

Tier I Environmental Review: Wayne County

NC Rebuild: Single-Family Homeowner Recovery and Rental Program

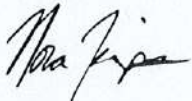
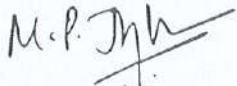
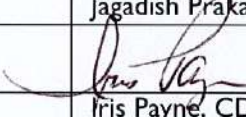
Responsible Entity [24 CFR 58.2(a)(7)]	North Carolina Department of Commerce (NCDOC)
Certifying Officer [24 CFR 58.2(a)(2)]	Iris Payne, CDBG Program Director, NCDOC
Program Name	NC Rebuild: Single-Family Homeowner Recovery and Rental Program
Include Grant Number	B-16-DL-37-0001
Federal Agency	U.S. Department of Housing and Urban Development (HUD)
Project Locations	Single-family housing locations throughout Wayne County
Estimated Total Program Cost	\$15,440,000
Grant Recipient	North Carolina Department of Commerce
Recipient Address	301 N Wilmington St, Raleigh, NC 27601
Program Representative	Iris Payne
Telephone Number	919-814-4663
Conditions for Approval	Refer to Section 4.0
FINDING [58.40(g)]	<p><input checked="" type="checkbox"/> Finding of No Significant Impact (The project will not result in a significant impact on the quality of the human environment)</p> <p><input type="checkbox"/> Finding of Significant Impact (The project may significantly affect the quality of the human environment)</p>
Preparers' Signatures	<div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  Date: 7/3/2018 </div> <div style="text-align: center;">  Date: 7/3/2018 </div> </div>
Titles/Affiliations	Nora Zirps, PE, Project Manager, ESP Associates, Inc. Jagadish Prakash, AICP, Project Manager, AECOM
Responsible Entity Certifying Officer's Signature	 Date: 7/3/2018
Title/Agency	Iris Payne, CDBG Program Director, NCDOC
Publication Date	July 5, 2018
Re-Evaluation Date	

Table of Contents

1.0	Project Description.....	1-1
1.1	Background.....	1-1
1.2	Project Location.....	1-2
1.3	Scope of Environmental Assessment	1-2
1.4	Existing and Future Need	1-3
1.5	Summary of Findings and Conclusions	1-4
1.6	Evaluation of the Effects.....	1-5
1.7	Finding	1-6
2.0	Tiering Plan for Environmental Review	2-1
2.1	Tier 1 Environmental Assessment	2-1
2.2	Tier 2 Site-Specific Environmental Review	2-2
3.0	Programmatic Eight-Step Compliance Process for Floodplain Management.....	3-1
4.0	Applicable Mitigation Measures	4-1
5.0	Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities.....	5-1
5.1	County-wide Compliance Documentation	5-2
5.1.1	Coastal Barrier Resources	5-2
5.1.2	Clean Air	5-3
5.1.3	Coastal Zone Management	5-4
5.1.4	Sole Source Aquifers.....	5-5
5.1.5	Environmental Justice	5-5
5.2	Environmental Assessment Factors	5-6
5.3	Written Strategies for Site-Specific Tier II Review.....	5-9
5.3.1	Airport Hazards	5-10
5.3.2	Contamination and Toxic Substances	5-11
5.3.3	Endangered Species.....	5-16
5.3.4	Explosive and Flammable Hazards	5-21
5.3.5	Farmlands Protection	5-23
5.3.6	Flood Insurance	5-25
5.3.7	Floodplain Management.....	5-28
5.3.8	Historic Preservation	5-33
5.3.9	Noise Abatement and Control	5-35
5.3.10	Wetlands Protection	5-37
5.3.11	Wild and Scenic Rivers	5-38
6.0	Tier 2 Site-Specific Statutory and Environmental Assessment Checklists.....	6-1
6.1	Tier 2 Site-Specific Review Checklist with Guidance	6-1
6.2	Tier 2 Site-Specific Field Inspection Checklist	6-1
7.0	Combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds.....	7-1
8.0	Request for Release of Funds	8-1
9.0	Authority to Use Grant Funds	9-1

List of Tables

Table 1-1. Total CDBG-DR Funds Available for Housing Recovery
Table 5-1. Tier I Compliance Factors and Determinations
Table 5-2. Coastal Barrier Resources System in North Carolina
Table 5-3. Tier 2 Environmental Assessment Requirements for Single-family Housing Projects - Wayne County
Table 5-4. Tier 2 Site-specific Review Threatened and Endangered Species List for Wayne County
Table 5-5. Nationwide Rivers Inventory List, Wayne County, North Carolina

List of Appendices

Appendix A – Figures
Appendix B – Agency Consultations and Correspondence
Appendix C – Programmatic Eight-Step Compliance Process Document for Floodplain Management
Appendix D – Tier 2: Site-Specific Review Checklist
Appendix E – Tier 2: Site-Specific Inspection Checklist
Appendix F – Combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds
Appendix G – Request for Release of Funds
Appendix H – Authority to Use Grant Funds

Acronyms and Abbreviations

A

ACM	Asbestos Containing Materials
AFB	Air Force Base
APZ	Accident Potential Zone
ASD	Acceptable separation distance
AST	Aboveground storage tank
ASTM	American Society for Testing and Materials
AUGF	Authority to Use Grant Funds

B

BFE	Base flood elevation
BGPA	Bald and Golden Eagle Protection Act
BMP	Best management practices

C

CAMA	NC Coastal Area Management Act
CBRS	Coastal Barrier Resources System
CDBG-DR	Community Development Block Grant - Disaster Recovery
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CRC	NC Coastal Resources Commission

D

DBH	Diameter at breast height
DCM	NC Division of Coastal Management
DNL	Day Night Average Sound Level
DoD	U.S. Department of Defense
DPH	NC Division of Public Health
DWM	NC Division of Waste Management
DWR	NC Division of Water Resources

E

EO	Executive Order
EP	Environmental Professional
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ESG	Emergency Shelter Grants

F

FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act

G

GIS	Geographic information system
G.S.	NC General Statute

H

HUD	U.S. Department of Housing and Urban Development
-----	--

L

LID	Low impact development
LMI	Low to moderate income

N

NAAQS	National Ambient Air Quality Standards
NCAC	North Carolina Administrative Code
NCDEQ	North Carolina Department of Environmental Quality
NCDHHS	NC Department of Health and Human Services
NCDOC	North Carolina Department of Commerce
NCDPH	North Carolina Division of Public Health
NCEM	NC Emergency Management
NCNHP	NC Natural Heritage Program
NCWRC	NC Wildlife Resources Commission

NEPA	National Environmental Policy Act of 1969	RPZ/CZ	Runway Protection Zone/Clear Zone
NFIP	National Flood Insurance Program	RROF	Request for Release of Funds
NFIRA	National Flood Insurance Reform Act	RRP	Repair, Renovation, and Painting
NHP	NC Natural Heritage Program	S	
NLEB	Northern long-eared bat	SBA	Small Business Administration
NMFS	National Marine Fisheries Service	SFHA	Special Flood Hazard Area
NOAA	National Oceanic and Atmospheric Administration	SHPO	State Historic Preservation Office
NPIAS	National Plan of Integrated Airport Systems	SIP	State Implementation Plan
NPL	National Priorities List	T	
NPS	National Park Service	T&E	Threatened and endangered species
NRCS	National Resources Conservation Service	U	
NRHP	National Register of Historic Places	UA	Urbanized area
NRI	Nationwide Rivers Inventory	U.S.	United States
P		USACE	U.S. Army Corps of Engineers
PA	Programmatic Agreement	USC	U.S. Code
PCP	NC Plant Conservation Program	USDA	U.S. Department of Agriculture
R		USFWS	U.S. Fish and Wildlife Service
RCW	Red-cockaded woodpecker	UST	Underground Storage Tank
RFO	Raleigh Field Office	W	
		WNS	White-nose syndrome

I.0 PROJECT DESCRIPTION

The State of North Carolina is proposing to use funds allocated under the NC Rebuild: Single-Family Homeowner Recovery and Rental Program (hereinafter referred to as the NC Rebuild Program) to assist single-family homeowners and owners of small rental properties (1 to 4 residential units, including mobile homes) whose homes were damaged by Hurricane Matthew in achieving safe and compliant housing that meets minimum property and safety standards.

I.1 Background

Hurricane Matthew was a severe and sustained storm event that brought record-level flooding to many areas in eastern North Carolina's coastal plain, sound, and coastal communities. Hurricane Matthew hit North Carolina on October 8, 2016, as a Category 1 storm. Communities were devastated by this slow-moving storm and widespread heavy rainfall. During a 36-hour period, up to 18 inches of rain inundated areas in central and eastern North Carolina.

Riverine flooding began several days after Hurricane Matthew passed and lasted for more than 2 weeks. New rainfall records were set in 17 counties in the Tar, Cape Fear, Cashie, Lumber, and Neuse River watersheds. Entire towns were flooded as water levels throughout eastern North Carolina crested well beyond previously seen stages. At its peak, 800,000 households lost power and 635 roads were closed, including a section of I-40 West in Johnston County that was closed for 7 days, and sections of I-95 North and South in Robeson and Cumberland counties that were closed for 10 days (NC Assembly. H.B. 2. Third Extra Sess. 2016).

Across the State, approximately 77,000 households applied for FEMA emergency assistance and nearly 34,000 households suffered flood damage to their homes (North Carolina Department of Commerce [NCDOC], April 2017). Losses totaled more than \$967 million, representing an economic loss as high as 68 percent of the damages, or \$659 million, not expected to be covered by insurance or Federal Emergency Management Agency (FEMA) assistance (NC Assembly. H.B. 2. Third Extra Sess. 2016).

North Carolina Governor McCrory requested FEMA assistance on October 9, 2016, and FEMA subsequently declared a major disaster (DR-4285) for North Carolina on October 10, 2016, for 48 counties encompassing approximately 325 cities, towns, townships, and villages. Two additional counties were later added to the declared disaster area, bringing the total to 50 counties (see **Figure 1** in **Appendix A**).

Preliminary estimates indicate more than 30,000 businesses suffered physical or economic damage, and 400,000 employees were affected as a result. Hurricane Matthew also had a significant impact on the agriculture and agribusiness economy in eastern North Carolina. The nearly 33,000 agricultural workers and 5,000 agricultural support workers affected by the storm account for more than half of the state's agriculture and agriculture-support workforce. Initial economic analysis of the impacts of crop and

livestock losses caused by Hurricane Matthew estimated the loss of more than 1,200 jobs and roughly \$10 million in state and local income and sales tax revenue.^[1]

The State of North Carolina published its Action Plan for Hurricane Matthew disaster recovery on April 21, 2017, to partially outline the purpose and distribution of the CDBG-DR funds, and to elicit comments from the public. The plan details how the state intends to use the housing portion of the first allocation, including how it will leverage other funding sources to address areas of unmet need.

The Department of Housing and Urban Development (HUD) appropriated \$198,553,000 in CDBG-DR funding under the NC Rebuild Program to the State of North Carolina, using the best available data to identify and calculate unmet needs for disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization (NCDOC, April 2017). A subsequent amendment provided an additional \$37,976,000 of funding, bringing the total allocation provided by HUD for Hurricane Matthew recovery in North Carolina to \$236,529,000 (NCDOC, November 2017). Through the state's Action Plan and its subsequent amendments, approximately \$180,000,000 was allocated to a suite of housing and homeowner recovery programs to address the unmet need.

As federally mandated, 80 percent of the total funds allocated will go to the most impacted areas: Robeson, Cumberland, Edgecombe, and Wayne Counties. In addition to these counties, the following municipalities were also severely impacted: Fair Bluff; Fayetteville; Princeville; Lumberton; and Goldsboro.

As the Responsible Entity under the Code of Federal Regulations (CFR) 24 Part 58, and recipient of the grant funds, the state is responsible for maintaining the CDBG-DR Environmental Review Record. Prior to release of grant funds, the state will complete environmental reviews of proposed activities for housing and non-housing construction component programs in compliance with the National Environmental Policy Act (NEPA) of 1969 as subsequently amended, and HUD Environmental Standards.

1.2 Project Location

The project area for the NC Rebuild Program (defined in Section 1.3) covered by this environmental assessment includes various single-family housing sites throughout Wayne County (see **Figure 2** in **Appendix A**). The total number and location of sites in the county are not currently known.

1.3 Scope of Environmental Assessment

Funding from HUD will be provided to affected homeowners as grants to repair, elevate, reconstruct, or relocate their homes; have their dwelling units acquired subject to certain conditions and approvals from the state; or reimburse them for eligible repairs completed within one-year of the storm event. Funding for each applicant will be based on the damage to their original home including funds required to make their housing meet applicable standards and comply with all local, state, and/or federal building codes. In

[1] Governor McCrory's Request for Federal Assistance for Hurricane Matthew Recovery, November 14, 2016.

most cases, construction activities are anticipated to occur within the limits of the previously disturbed footprint of the damaged dwelling unit.

The overall purpose of the NC Rebuild Program is to provide assistance for single-family homes and small rental units (1-4 units including mobile homes) (hereinafter referred to as the Homeowner and Rental Recovery Programs) with unmet recovery needs. The scope of this environmental assessment document is to assess potential impacts from the proposed actions. Projects funded by the NC Rebuild Program may consist of one or more of the following “Proposed Actions” for either owner-occupied or renter-occupied residential dwellings:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel.
2. Elevation with no substantial change in footprint on the same parcel.
3. Reconstruction/replacement with no substantial change in footprint on the same parcel.
4. Relocation on previously-undisturbed land.
5. Acquisition for buyout.
6. Acquisition for redevelopment as single-family housing.
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Applications for the programs were accepted during the application intake phase if the applicant’s property was owned by the applicant at the time of Hurricane Matthew and suffered damage during the storm event. Each homeowner’s single-family residential project may consist of one (or more) of the above Proposed Action activities. In addition, homeowners who made repairs to their properties may apply for reimbursement of costs incurred (Proposed Action 7).

Before funds are released for specific project activities, the residential property must undergo a Tier 2 site-specific environmental review to ensure project compliance with NEPA and HUD housing standards.

I.4 Existing and Future Need

The State of North Carolina has taken multiple steps to estimate the unmet housing needs resulting from Hurricane Matthew. These steps included conducting field inspections of damaged homes; analyzing and updating FEMA individual assistance claims data, SBA loan information, and insurance information; conducting county-led planning efforts; and surveying Public Housing Authorities and other housing providers to determine what financial needs will be required to restore homes and neighborhoods.

The State of North Carolina conducted and published an Unmet Needs Assessment in the spring of 2017 as part of its initial *State of North Carolina CDBG-DR Action Plan*. An updated Unmet Needs Assessment was prepared as part of the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, and presented damage estimates and recovery needs as of October 15, 2017, roughly one year after the flooding occurred. There remain numerous unmet needs to be resolved before homeowners can return to their homes and ensure those homes are in safe and sanitary conditions. In addition, there are unmet needs for homeowners who wish to sell their homes and relocate to higher and safer ground.

As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the state has directed approximately \$15,440,000 from its total allocation of funds to Wayne County for Hurricane Matthew recovery efforts. A top priority for

the state for this funding is to address single-family housing recovery needs in Wayne County that were affected by Hurricane Matthew. The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through these programs. The initial Unmet Needs Assessment also examined what types of owner-occupied homes experienced major to severe damage. Approximately two thirds were single-family structures, while the remaining one third were mobile homes.

1.5 Summary of Findings and Conclusions

In addition to the Proposed Alternative [i.e., the NC Rebuild Program], options considered on a programmatic level included the No Action Alternative and the Limited Action Alternative.

No Action Alternative

One alternative considered on a programmatic level would be the “No Action” Alternative. Under the No Action Alternative, applicants would not receive financial assistance through the CDBG-DR Homeowner Recovery and Rental Programs to address unmet housing needs associated with damage from Hurricane Matthew. As a result, damage to single-family housing units would potentially remain unabated, making it difficult and unsafe for some residents to return to their homes or to continue to live within damaged structures.

Without financial assistance to rehabilitate, elevate, or reconstruct/replace their homes, many property owners may not be able to recover or maintain safe and affordable housing, leaving their homes more vulnerable to future flooding conditions.

Furthermore, under the No Action Alternative, eligible homeowners that made repairs to their homes would not be reimbursed for their incurred costs, resulting in a negative effect on the individuals and the local economy. Those without the means to rehabilitate their homes, could see living conditions deteriorate as unabated damages fester. These conditions could cause significant health concerns for residents.

In Wayne County, an estimated 523 homes would not be repaired, and neighborhoods would remain damaged. Residents may be forced to abandon their homes which have the potential to affect the property tax base of the county. The provision of safe, disaster-resistant housing for residents impacted by Hurricane Matthew is critical to the long-term recovery strategy of Wayne County. Without offering rehabilitation, elevation, reconstruction, or buyout assistance or reimbursement of eligible costs incurred by homeowners due to the storm, the No Action Alternative would ignore the long-term safety and stability of the community; fail to address the need for safe, decent, and affordable housing; and increase the potential impact of future storms and floods. As a result, the No Action Alternative was rejected.

Limited Action Alternative: Home Buyout/Relocating the Applicant Outside the Special Flood Hazard Area (SFHA)

The Home Buyout Alternative was considered as an alternate option for providing assistance to homeowners. The Home Buyout Alternative would involve the purchase of properties inside the SFHA that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family

homes would be demolished, and the vacant land would revert to its natural state. Sellers would be free to use the sale proceeds to purchase pre-existing homes outside the SFHA.

The provision of safe, disaster resistant housing for residents impacted by Hurricane Matthew is critical to Wayne County's long-term recovery strategy. With an inadequate supply of safe, decent, and affordable housing in the county, many communities would suffer as much of the population in these communities would leave. Regional emigration on that scale would significantly impact the fabric of many communities in the county and adversely impact the stability of the county's economy.

Many property owners would not be willing to sell their homes because they do not want to leave their communities. Their homes would not be elevated, and the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

For the above reasons, the Limited Action Alternative was rejected.

Proposed Alternative

As proposed, the CDBG-DR Homeowner Recovery and Rental Programs will provide financial assistance to single-family homeowners and owners of small rental properties (1 to 4 units) to address unmet needs remaining from Hurricane Matthew. This assistance will allow applicants to repair/rehabilitate, elevate, reconstruct/replace, or relocate their storm-damaged homes; have their storm damaged homes acquired for buyout or redevelopment as single-family housing; or seek reimbursement for similar activities implemented by the homeowner within one year of the storm.

Conclusion

The No Action Alternative and Limited Action Alternative would not meet the state's goal of achieving safe and compliant housing that meets minimum property standards through rehabilitation, elevation, reconstruction/replacement, relocation, and mitigation in damaged communities. The Proposed Action Alternative would allow for the state's goals to be met.

1.6 Evaluation of the Effects

Individual actions undertaken by the NC Rebuild Program will provide a safe and secure environment for a substantial number of the low, moderate, and middle-income households recovering from Hurricane Matthew. The CDBG-DR funds will provide a positive financial impact on these households, their damaged neighborhoods, and extended communities.

As proposed, activities funded by the NC Rebuild Program will be performed to improve or replace residential structures throughout damaged neighborhoods in Wayne County, but specific locations will remain unknown until applicant eligibility is determined. The NC Rebuild Program does not meet the requirements of a NEPA Categorical Exclusion and, therefore, an Environmental Assessment per HUD regulations at 24 CFR Part 58.40 Subpart E shall be prepared for each construction site as described in **Section 2.0** Tiering Plan for Environmental Review. This includes a review of the provisions outlined under 24 CFR 58.5 and 58.6.

1.7 Finding



Finding of No Significant Impact (FONSI)

(The project will not result in a significant impact on the quality of the human environment.)



Finding of Significant Impact (FONSI)

(The project may significantly affect the quality of the human environment.)

NC Rebuild: Single-Family Homeowner Recovery and Rental Program for Wayne County: An estimated \$15,440,000 would be allocated to Wayne County.

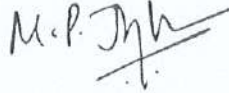
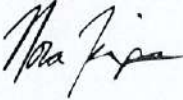
Environmental Review Preparer's Information

Environmental Preparer's name, title, and organization:

Nora Zirps, PE, Project Manager, ESP Associates, Inc.
Jagadish Prakash, AICP, Project Manager, AECOM

Environmental Preparer's Signature:

Date: July 3, 2018



Responsible Entity Certifying Officer's Information/Certification

Responsible Entity Certifying Officer's name, title, and organization:

Iris Payne, CDBG Program Director, NCDOC



Responsible Entity Certifying Officer's Signature:

Date: July 3, 2018

2.0 TIERING PLAN FOR ENVIRONMENTAL REVIEW

The NC Rebuild Program is using a tiered approach for the environmental review process in accordance with HUD tiering regulations at 24 CFR 58.15 because the individual housing sites and proposed actions for each site are not yet known.

In a Tier 1, the program's proposed actions are evaluated to identify potential environmental effects of these actions on NEPA compliance factors and environmental resources that might occur at a typical site within a larger geographic area. For some factors, compliance can be established at the Tier 1 level and further review of that factor on a site-specific basis is not necessary. However, since project locations are scattered and not precisely identified at this time, Tier 2 environmental reviews will be required to identify site-specific impacts on certain resources and compliance with environmental standards.

2.1 Tier I Environmental Assessment

The geographical scope of this Tier 1 Environmental Assessment includes the areas of Wayne County damaged by Hurricane Matthew.

This Tier 1 Environmental Assessment describes the action area targeted by the NC Rebuild Program. It provides general information of the proposed repair/rehabilitation, elevation, reconstruction, relocation, acquisition, and reimbursement activities relative to required compliance factors, as presented in the Statutory Checklist and the Environmental Assessment Checklist (**Section 5.0**). This level of review evaluates impacts of the proposed housing activities in an aggregated way as determined by the potential for impacts relative to the protected or regulated resources and HUD Environmental Standards.

The Tier 1 Environmental Assessment of the Program is summarized in **Table 5-1. Tier 1 Compliance Factors and Determinations**, which identifies compliance factors, notes whether the proposed housing activities could impact the factors, and notes which factors must be evaluated at the Tier 2 site-specific environmental review level to determine conditions.

For some compliance factors, the Tier 1 Environmental Assessment concludes compliance regardless of the location of the action or the action to be taken such that further review at the site-specific level is not necessary. As described in **Section 5.1**, this Tier 1 Environmental Assessment results in a compliance determination for all potential single-family home sites/action in Wayne County for the following factors:

- Coastal barrier resources
- Clean air
- Coastal zone management
- Sole source aquifers
- Environmental justice

Figures prepared to support the Tier 1 analysis of environmental compliance factors are presented in **Appendix A**. Agency consultations conducted in support of the Tier 1 analysis are presented in **Appendix B**.

2.2 Tier 2 Site-Specific Environmental Review

As noted, compliance cannot be established for all factors in the Tier 1 Environmental Assessment, so compliance for individual sites cannot be fully achieved. Tier 2 site-specific environmental reviews will be carried out for each proposed activity to address those environmental compliance factors that remained unresolved following the Tier 1 analysis. A Tier 2 Site-Specific Review Checklist has been developed for the NC Rebuild Program and is presented in **Section 6.1**. The following compliance factors will be analyzed for each site-specific activity:

- Airport hazards
- Contamination and toxic substances
- Endangered species
- Explosive and flammable hazards
- Farmlands protection
- Flood insurance
- Floodplain management
- Historic preservation
- Noise abatement and control
- Wetlands protection
- Wild and scenic rivers

The Tier 2 site-specific environmental reviews will include evaluation of the application, the proposed site activity, and its location relative to the above compliance factors. Reviews will also include direct field observation with photographs, measurements, and notes for the file, as well as possible resource agency consultations. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, then the proposed NC Rebuild Program activities planned for a residential site will proceed without further notice to the public. If identified impacts cannot be mitigated during the site-specific reviews, then that site may be subject to further review.

All steps of the environmental review process will be completely documented at the Tier 2 site-specific environmental review level before any construction activity proceeds.

3.0 PROGRAMMATIC EIGHT-STEP COMPLIANCE PROCESS FOR FLOODPLAIN MANAGEMENT

As part of this Tier 1 Environmental Assessment, a Programmatic Eight-Step Compliance Document was prepared to address requirements in Executive Order (EO) 11988 *Floodplain Management* (see **Appendix C**). The Programmatic Eight-Step Compliance Process Document pertains only to substantially-damaged single-family housing in the SFHA (i.e., the regulatory 100-year floodplain) as a result of Hurricane Matthew. A substantially-damaged structure is one where the cost of restoring the structure to its pre-storm condition equals or exceeds 50 percent of the market value of the structure prior to the storm. Furthermore, the Programmatic Eight-Step Compliance Process Document only covers four of the seven proposed actions under the Homeowner Recovery and Rental Programs (as described in **Section 5.3.7**) for single-family housing as follows:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

The Programmatic Eight-Step Compliance Process Document does not cover the following proposed actions under the CDBG-DR Homeowner Recovery and Rental Programs for single-family housing:

4. Relocation on previously-undisturbed land;
5. Acquisition for buyout; and
6. Acquisition for redevelopment as single-family housing.

For these proposed actions, compliance with EO 11988 and the eight-step decision-making process will be performed on a site-by-site basis as described in **Section 5.3.7**.

4.0 APPLICABLE MITIGATION MEASURES

As presented in **Section 6.0**, the Tier 2 Environmental Assessment employs a site-specific checklist to assess several compliance factors in accordance with 24 CFR Part 58.36 and HUD Environmental Standards. This assessment helps determine whether environmental mitigation measures should be required for the proposed housing activity to achieve compliance on a specific site.

Mitigation measures noted below will be recommended in the Tier 2 environmental assessment checklist. The contractor will note what specific mitigation measures are required for the assigned project by the Tier 2 checklist and incorporate these into their construction plans and document how compliance was achieved.

In addition to any site-specific requirements, the following mitigation measures are required as conditions for approval of all project sites, as applicable:

General

1. All required federal, state, and local permits must be acquired prior to commencement of construction and all permit conditions will be complied with.
2. All reconstruction shall comply with the standards of the Guidelines for Areas of Environmental Concern, North Carolina Building Code (including wind resistant standards), the National Flood Insurance Program and local reconstruction plans.
3. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under NEPA.
4. For any actions that include new construction, the parcel will be evaluated prior to construction and best management practices will be implemented in order to reduce possible erosion impacts where slope conditions may exist.

Contamination and Toxic Substances

5. Demolition and construction debris must be properly handled by licensed contractors (if needed) and disposed in licensed sanitary landfills for each type of debris in accordance with local and state requirements, as appropriate. Demolition and construction debris should be recycled to the extent practicable. For waste recycling initiatives, please see: <https://www.epa.gov/recycle>.
6. If any contaminated soils, solid wastes, chemicals or hazardous materials are encountered during project implementation, these items must be properly handled by licensed contractors and disposed of according to local, state, and federal requirements.
7. All building materials in the critical path of demolition or rehabilitation must be thoroughly inspected by a North Carolina-accredited asbestos inspector for potential asbestos containing materials (ACM) before beginning any demolition or rehabilitation activity.
8. The NC Department of Health and Human Services must be notified at least 10-workdays prior to beginning demolition, even if no ACM is present in the building.

9. All activities must comply with applicable Federal, State, and local laws and regulations regarding asbestos, including the following:
 - a. North Carolina Asbestos Hazard Management Program, NC General Statute 10A NCAC 41C .0601.
 - b. National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145.
 - c. National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150.
10. Houses built before 1978 must be thoroughly inspected by a North Carolina-certified lead inspector for potential lead-based paint before beginning any demolition or rehabilitation activity.
11. All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including the following:
 - a. Lead-Based Paint Hazard Management Program, NC General Statute §130A-453.01 through 453.11.
 - b. United States (U.S.) Environmental Protection Agency (EPA) Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E).
 - c. HUD's lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, as applicable.
 - d. *HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.*
12. All activities must comply with all laws and regulations concerning the proper handling, removal, and disposal of hazardous materials (e.g., asbestos, polychlorinated biphenyls [PCBs], lead from lead-based paint) or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods). Reuse and recycling should be implemented to the extent practicable.
13. All residential structures being repaired/rehabilitated, elevated, or incorporated into redevelopment plans must be inspected for mold attributed to the effects of Hurricane Matthew. If mold attributable to the effects of Hurricane Matthew is present, it must be remediated in accordance with accepted practice and with the state and/or county requirements including North Carolina Department of Public Health guidelines at: <http://epi.publichealth.nc.gov/oea/z/mold.html>.
14. Applicant must demonstrate that the septic system has been inspected by a certified septic system inspector in accordance with G.S. 130A-333 et seq., and recommended repairs must be made in accordance with the inspector's report.

Endangered Species

15. If the North Carolina Department of Cultural and Natural Resources, Natural Heritage Program (NC NHP) Data Explorer element occurrence data indicates potential presence of state-listed aquatic species within one mile (upstream or downstream) of clearing or disturbance near a freshwater stream, the following actions should be taken:

- Maintain a minimum 100-foot undisturbed, native, forested buffer along perennial streams, and a minimum 50-foot undisturbed, native, forested buffer along intermittent streams and wetlands.
 - Install erosion and sediment control measures outside the buffers that conform to the High Quality Water Zones standards stipulated in the North Carolina Department of Environmental Quality (NCDEQ) Erosion and Sediment Control Plan (<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permit-guidance/erosion-sediment-control-planning-design-manual>). Sediment and erosion control measures should use advanced methods and be installed prior to any land-disturbing activity. The use of biodegradable and wildlife-friendly sediment and erosion control devices is strongly recommended. Silt fencing, fiber rolls, and/or other products should have loose-weave netting that is made of natural fiber materials with movable joints between the vertical and horizontal twines. Silt fencing that has been reinforced with plastic or metal mesh should be avoided as it impedes the movement of terrestrial wildlife species.
16. The following general recommendations should be considered when relocating on previously-undisturbed land (Proposed Action 4) or acquiring property for redevelopment (Proposed Action 6) to minimize impacts to aquatic and terrestrial species:
- The project footprint should be surveyed for wetlands and streams to ensure there are no impacts to surface waters. U.S. Army Corps of Engineers (USACE) Section 404 Permits and NC Division of Water Resources Section 401 Certifications are required for any impacts to jurisdictional streams or wetlands. If a project is suspected of impacting wetlands, a wetland delineation by a certified wetland scientist will be conducted.
 - Stormwater runoff to receiving surface waters can be minimized by reducing impervious surfaces and increasing infiltration onsite using low impact development (LID) techniques. LID techniques appropriate for this project may include permeable pavement and bioretention areas that can collect stormwater from impervious areas. Additional alternatives include narrow driveways; swales versus curbs/gutters; and permeable surfaces such as turf stone, brick, and cobblestone.
 - Re-seed disturbed areas with seed mixtures that are beneficial to wildlife. Avoid fescue-based mixtures as fescue is invasive and provides little benefit to wildlife. In addition, the use of non-invasive, native species is recommended. Using native species instead of ornamentals should reduce the need for water, fertilizers, and pesticides.
 - Insecticides and herbicides should not be used within 100 feet of perennial streams and 50 feet of intermittent streams, or within floodplains and wetlands associated with these streams.

Flood Insurance / Floodplain Management

17. In compliance with 24 CFR 58.6(b), no funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance. Substantially damaged homes (including mobile homes) located in the SFHA that are repaired/rehabilitated,

reconstructed/replaced, or relocated (to another location in the SFHA) must be elevated such that the lowest floor (including the basement) is at least two feet above the base flood elevation (BFE), or in accordance with the elevation requirements of the County or local flood damage prevention ordinances if they are more stringent. Home elevation must also comply with accepted practices specified in North Carolina EO 123.

18. Repair/rehabilitation, reconstruction/replacement, and relocation (to another location in the SFHA) of substantially damaged homes (including mobile homes) in the SFHA must implement flood resistant construction requirements in accordance with 44 CFR 60.3 and North Carolina EO 123 Section 9 as follows:

- Shall be designed (or modified) and anchored as to prevent flotation, collapse, or lateral movement of the structure (including mobile homes).
- Shall be constructed with materials and utility equipment resistant to flood damage.
- Shall be constructed by methods and practices that minimize flood damage.
- Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding.
- Replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- Replacement sanitary sewer systems shall be located and constructed to minimize infiltration of flood waters into the systems and discharges from the systems into flood waters.

19. For substantially damaged homes (including mobile homes) located in the SFHA that are repaired/rehabilitated, reconstructed/replaced, or relocated (to another location in the SFHA), best management practices must be employed throughout the construction process to minimize potential indirect impacts to surrounding areas in the SFHA.

Noise

20. Rehabilitation and reconstruction / new construction shall comply with prevailing building code standards including the use of materials and construction techniques that incorporate noise attenuation features.

Wild & Scenic Rivers / Nationwide Rivers Inventory (NRI)

21. Project sites located along a designated NRI river shall avoid unnecessary clearing of native riparian vegetation; and erosion/sediment control measures, also known as best management practices (BMP), shall be implemented.

5.0 COMPLIANCE WITH 24 CFR 50.4, 58.5, AND 58.6 LAWS AND AUTHORITIES

The Tier 1 compliance determination for each factor, statute, or Executive Order listed at 24 CFR 58.5 is summarized in Table 5-1. In the Determination column, “No” indicates that the proposed actions would not impact the resource under consideration regardless of specific site locations, and the Environmental Assessment for that resource is complete. Documentation to support the “No” determinations can be found in Section 5.1, as indicated in Table 5-1. “Yes” indicates that a proposed action, by its scope and nature, may impact the resource under consideration. This triggers formal review at a site-specific level, triggers compliance consultation procedures with the oversight agency, or requires mitigation. Written strategies for these Tier 2 Site-Specific Environmental Reviews can be found in Section 5.3.

Table 5-1. Tier I Compliance Factors and Determinations

Compliance Factors (Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, 58.5, and 58.6)	Determination (Does the Programmatic Action Impact the Resource?)	Compliance Determination Documentation
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	See section 5.3.1
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	See section 5.1.1
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	See Section 5.3.6
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	See section 5.1.2
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	See section 5.1.3
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	See Section 5.3.2
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	see Section 5.3.3
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	see Section 5.3.4

Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	see Section 5.3.5
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	see Section 5.3.6
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	see Section 5.3.8
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	see Section 5.3.9
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	see Section 0
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	see Section 5.3.10
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	see Section 5.3.11
ENVIRONMENTAL JUSTICE			
Environmental Justice Executive Order 12898	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	see Section 5.1.5

5.1 County-wide Compliance Documentation

The following sections document compliance with statutes, executive orders, and regulations for factors on which the proposed actions would not have an impact at any site in the project area. For these factors, no additional evaluation of these factors is required at the Tier 2 level. These factors are as follows:

- Coastal barrier resources
- Clean air
- Coastal zone management
- Sole source aquifers
- Environmental justice

Figures prepared to support the Tier 1 analysis of environmental compliance factors are presented in **Appendix A**. Agency consultations conducted in support of the Tier 1 analysis are presented in **Appendix B**.

5.1.1 Coastal Barrier Resources

Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]

The John H. Chafee Coastal Barrier Resources System (CBRS) was established in 1982 and is administered by the U.S. Fish and Wildlife Service. In accordance with 24 CFR 58.6(c), HUD assistance may not be used for most activities proposed in the CBRS or otherwise protected areas.

There are nine designated units of the CBRS and seven “Otherwise Protected Areas” in North Carolina (Table 5-2). However, none of the designated areas are located in Wayne County (see **Figure 3** in **Appendix A**); therefore, project sites located in Wayne County would not be located on designated coastal barriers or “otherwise protected areas,” and would have no impact on coastal barrier resources. **The review for coastal barrier resources is therefore concluded.**

Table 5-2. Coastal Barrier Resources System in North Carolina

Community	State	Community #	County	Coastal barrier area(s)	Otherwise protected area(s)
Bald Head Island (Village)	NC	370442	Brunswick	N	Y
Brunswick Co. (Uninc. Areas)	NC	370295	Brunswick	Y	Y
Sunset Beach (Town)	NC	375359	Brunswick	Y	N
Atlantic Beach (Town)	NC	370044	Carteret	N	Y
Carteret County (Uninc. Areas)	NC	370043	Carteret	N	Y
Pine Knoll Shores (Town)	NC	370267	Carteret	N	Y
Currituck Co. (Uninc. Areas)	NC	370078	Currituck	Y	Y
Dare County (Uninc. Areas)	NC	375348	Dare	Y	Y
Duck (Town)	NC	370632	Dare	Y	N
Kill Devil Hills (City)	NC	375353	Dare	Y	N
Nags Head (Town)	NC	375356	Dare	Y	Y
Hyde County (Uninc. Areas)	NC	370133	Hyde	N	Y
Carolina Beach (City)	NC	375347	New Hanover	Y	Y
Kure Beach (Town)	NC	370170	New Hanover	N	Y
New Hanover Co. (Uninc. Areas)	NC	370168	New Hanover	Y	Y
Wilmington (City)	NC	370171	New Hanover	Y	N
Wrightsville Beach (Town)	NC	375361	New Hanover	Y	N
North Topsail Beach (Town)	NC	370466	Onslow	Y	N
Onslow County (Uninc. Areas)	NC	370340	Onslow	Y	Y
Swansboro (City)	NC	370179	Onslow	N	Y
Pender County (Uninc. Areas)	NC	370344	Pender	Y	N

Source: <https://www.fema.gov/national-flood-insurance-program/coastal-barrier-resource-system-north-carolina>

5.1.2 Clean Air

Clean Air Act [42 U.S.C. 7401 et seq.] as amended; particularly Section 176[c] and [d] [42 U.S.C. 7506(c) and (d)]; Determining Conformity of Federal Actions to State or Federal Implementation Plans [Environmental Protection Agency – 40 CFR 6, 51, and 93]

The Clean Air Act (42 U.S.C. 7401 et seq.) prohibits federal assistance to projects that are not in conformance with the State Implementation Plan (SIP). New construction and conversion, which are

located in “non-attainment” or “maintenance” areas as determined by the EPA may need to be modified or mitigation measures developed and implemented to conform to the SIP.

Wayne County meets the National Ambient Air Quality Standards (NAAQS) for all of the regulated air contaminants. Wayne County is not among those designated as non-attainment or maintenance areas in North Carolina (see **Figure 4** in Appendix A).

The CDBG-DR Homeowner Recovery and Rental Programs would not add any new stationary emission sources in Wayne County. Insignificant increases in air pollutant emissions might be generated by demolition and construction activities; however, these will be limited and temporary. These air emissions would not increase air pollution concentrations above the NAAQS or contribute to an existing violation of the NAAQS that may be promulgated. **The review for air quality is therefore concluded.**

5.1.3 Coastal Zone Management

Coastal Zone Management Act, Sections 307(c) & (d)

The NCDEQ Division of Coastal Management (DCM) works to protect, conserve, and manage North Carolina's coastal resources through an integrated program of planning, permitting, education and research. The North Carolina DCM carries out the state's Coastal Area Management Act, the Dredge and Fill Law, and the federal Coastal Zone Management Act of 1972 in the 20 coastal counties, using rules and policies of the North Carolina Coastal Resources Commission, known as the CRC.

The CRC was created when the General Assembly adopted the North Carolina Coastal Area Management Act (CAMA) in 1974. The CRC establishes policies for the North Carolina Coastal Management Program and adopts rules for both CAMA and the North Carolina Dredge and Fill Law. The CRC designates areas of environmental concern, adopts rules and policies for coastal development within those areas, and certifies local land use plans. The North Carolina DCM provides staffing services to the CRC, implements CRC rules, and issues CAMA permits.

A CAMA permit is required for projects located in one of the 20 counties covered by CAMA, considered "development" under CAMA, and located in an area of environmental concern. Wayne County is not one of the 20 counties covered by CAMA (see **Figure 5** in **Appendix A**); therefore, projects located in Wayne County do not require further permit review under CAMA. **The review for coastal zone management is therefore concluded.**

5.1.4 Sole Source Aquifers

Safe Drinking Water Act of 1974 [42 U.S.C. 201, 300(f) et seq., and 21 U.S.C. 349] as amended; particularly Section 1424(e) (U.S.C. 300h-3(e); and Sole Source Aquifers [40 CFR 149]

The Sole Source Aquifer Program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974. The U.S. EPA defines a sole source aquifer as an underground water source that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer with no alternative drinking water source available. EPA Region 4, which includes North Carolina, has three sole source aquifers located in Louisiana, Mississippi, and Florida. There are also two sole source aquifers, the Prospect Hill Aquifer and the Columbia and Yorktown-Eastover multi-aquifer system located in northern Virginia, near the Virginia-Maryland border (see **Figure 6** in **Appendix A**). However, there are no sole source aquifers in the state of North Carolina; therefore, the proposed project, and all future selected project sites, will not be located on a sole source aquifer and will have no effect on any EPA designated sole source aquifers. **The review for sole source aquifers is concluded.**

5.1.5 Environmental Justice

Executive Order 12898

North Carolina is committed to rebuilding damaged communities in a manner that furthers fair housing opportunities to all residents. As these communities rebuild, the state will focus its planning and outreach efforts to ensure that rebuilding is equitable across all neighborhoods, which may include providing affordable housing in low-poverty, non-minority areas where appropriate and in response to natural hazard-related impacts. North Carolina's approach to recovering its homes and neighborhoods after Hurricane Matthew is to strategically examine where the damage occurred, and then focus its recovery efforts in those areas, paying special attention to the housing types, household types, and special needs of these unique communities. For this reason, the unmet needs analysis identified which impacted neighborhoods have a disproportionate concentration of minority populations, in addition to identifying other socially vulnerable populations. In particular, families and individuals with social vulnerabilities oftentimes face greater challenges in recovering after a disaster event. To address the challenges faced by socially vulnerable populations, the state has tailored its housing recovery programs to the communities most impacted, while providing a suite of supportive services and financial assistance to low-income families and vulnerable populations struggling to rebuild their lives.

The environmental requirements of the program have been designed to ensure that no adverse conditions for LMI and minority populations are created as a result of project implementation (including the new construction project activity). The main priorities of the program are to rebuild homes with major to severe damage, ensure an adequate supply of rental housing that is safe, sustainable, and affordable and provide assistance to LMI families, and other persons with urgent needs in the most impacted areas. As such, the environmental impacts of the program would be beneficial and significant adverse impacts to socially vulnerable populations, including low-income and minority populations, would not occur. **The review of environmental justice is concluded.**

5.2 Environmental Assessment Factors

24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features, and resources of the project area. Each factor has been evaluated and documented as appropriate and in proportion to its relevance to the proposed action.

Impact codes from the following list are used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor adverse impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with plans/compatible land use and zoning/ scale and urban design	1	The proposed action would replace, rehabilitate, elevate, or mitigate existing or recently demolished homes consistent with current local plans and zoning ordinances. If it is determined that permits are required, the contractor will obtain the appropriate permits. Actions would maintain current land use and would therefore be compatible with existing land use. Since the proposed action would not increase the number of homes, it would not have an urbanizing effect.
Soil Suitability/ Slope/ Erosion/ Drainage/storm water runoff	2	Any problems involving slopes or unsuitable soils on the proposed worksites were addressed when the homes were first built. Therefore, existing slopes or unsuitable soils are not expected to cause problems for the proposed action. If unsuitable soils have caused structural problems for any of the existing or previous homes on the project sites, this would generally be addressed during the local permitting process. For any actions that include new construction, the parcel will be evaluated prior to construction and BMPs will be implemented in order to reduce possible erosion impacts where slope conditions may exist.
Hazards and nuisances including site safety and noise	2	It is not anticipated that the sites of the homes proposed for reconstruction, rehabilitation, elevation, or mitigation would present unusual hazards or nuisances beyond those that would be remedied or reduced by the proposed project. The proposed activities would result in temporary increases in noise levels at nearby residences during construction activities typical of those experienced during home remodeling activities. Noise impacts would be mitigated to the extent feasible per local ordinances. Hazards, nuisances, and site safety will be assessed during the site reconnaissance and any potential issues will be addressed.
Energy consumption	2	Some energy would be consumed in implementing the proposed action over the short term; however, the project would not expand the housing stock relative to conditions prior to Hurricane Matthew,

Environmental Assessment Factor	Impact Code	Impact Evaluation
		and would therefore not increase long-term energy consumption. Rehabilitated and reconstructed homes would be more energy-efficient as a result of the program, due to incorporation of updated energy-efficient building materials and practices.
SOCIOECONOMIC		
Employment and income patterns	1	The proposed action would help restore the previous employment and income patterns of the affected neighborhoods by assisting displaced residents in returning to their homes. The proposed action will provide a temporary boost to the construction industry and may temporarily increase employment. The proposed action would lead to favorable developments to commercial, industrial and institutional operations in the project area.
Demographic character changes, displacement	2	The proposed action would help restore the pre-hurricane demographic character of the affected neighborhoods by assisting homeowners and tenants in returning to their homes and neighborhoods.
COMMUNITY FACILITIES AND SERVICES		
Educational and cultural facilities	2	The proposed action would help homeowners and tenants return to their homes and would therefore tend to restore local school-age populations to pre-hurricane levels. Local educational facilities were able to accommodate student levels prior to the hurricane and should therefore be able to accommodate any returning students.
Commercial facilities	1	The proposed action would tend to restore the demand for commercial services in the affected neighborhoods to pre-hurricane levels and thus would increase the demand for local commercial services.
Health care and social services	2	The proposed action would not expand the housing stock or the number of residents relative to conditions prior to Hurricane Matthew, and would therefore, not increase demand on health care and social services relative to pre-hurricane conditions.
Solid waste disposal/recycling	2	The proposed action would result in short-term generation of additional quantities of remodeling, demolition and construction waste. All solid waste generated during implementation of the proposed action will be properly segregated and disposed of in accordance with applicable regulations. However, it is anticipated that the generation of municipal waste will return to its pre-hurricane levels and thus would not overload design capacities of local facilities.
Waste water/ sanitary sewers	2	The proposed action would not expand the housing stock relative to conditions prior to Hurricane Matthew and would therefore not increase demand on waste water systems relative to pre-hurricane conditions. The existing municipal waste water systems are believed to be adequate to handle this returning demand.
Water supply	2	The proposed action would not expand the housing stock relative to conditions prior to Hurricane Matthew and would therefore not increase demand on water supply. It is expected that all housing units will utilize the water supplies available prior to Hurricane Matthew. The existing water supply is believed to be adequate to handle this returning demand.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Public safety - police, fire and emergency medical	2	The proposed project would not expand the housing stock relative to conditions prior to Hurricane Matthew and would therefore not increase demand for public safety.
Parks, open space and recreation	2	The proposed action of reconstruction, rehabilitation, elevation and mitigation of housing on property that previously contained housing would have no impact on open space or recreational facilities. The project would also have no significant impact on cultural facilities.
Transportation and accessibility	2	The proposed action would not impact the demand for public transportation services relative to current conditions. There would be a minor and temporary increase in construction traffic.
NATURAL FEATURES		
Unique natural features, water resources	2	<p>The proposed action would have no effect on unique natural features or agricultural land. None of the proposed activities would occur on agricultural land while the majority of the proposed action will involve the repair/rehabilitation of a home within its original footprint.</p> <p>The proposed action would not pose a significant threat to surface water. The proposed action does not include any work in surface waters and there will be no new discharges to surface water. Any impacts will be temporary during construction and effectively managed by required stormwater mitigation measures.</p>
Vegetation, wildlife	2	The proposed action is not expected to generate long-term adverse impacts on vegetation or wildlife. The proposed action would result in the reconstruction, rehabilitation, elevation and mitigation of residences. Activities would be limited to the disturbed area of the previously developed parcel. Therefore, any impacts to vegetation and wildlife are expected to be the same as pre-hurricane impacts.

5.3 Written Strategies for Site-Specific Tier II Review

As indicated in **Table 5-1**, several regulated resources and compliance factors could be impacted by a proposed action, depending on site-specific conditions. This section describes the overall method for conducting the site-specific environmental reviews for these factors. As noted in and summarized in the sections below, not all proposed actions would be expected to impact all factors. Each individual site should be reviewed using the attached Tier 2 Site-Specific Review Checklist (see **Section 6.0**). All documentation for compliance factors included in the site-specific review must be completed prior to committing funds for individual sites.

Table 5-3. Tier 2 Environmental Assessment Requirements for Single-family Housing Projects - Wayne County

Environmental Assessment Topic	Proposed Action						
	1	2	3	4	5	6	7
	Repair/Rehabilitation on Same Parcel and Footprint	Elevation on Same Parcel and Footprint	Reconstruction/Replacement on Same Parcel and Footprint	Relocation on Previously-Undisturbed Land	Acquisition for Buyout	Acquisition for Redevelopment as Single-Family Housing	Reimbursement for Previously-Completed Eligible Repair/Rehabilitation
Airport Hazards	X	X	X	X	X	X	X
Contamination and Toxic Substances	X	X	X	X	X	X	X
Endangered Species	X	X	X	X	X	X	
Explosive and Flammable Hazards				X		X	
Farmlands Protection				X			
Flood Insurance	X	X	X	X		X	X
Floodplain Management	X	X	X	X	X	X	X
Historic Preservation	X	X	X	X	X	X	X
Noise Abatement and Control				X		X	
Wetlands Protection				X	X	X	
Wild and Scenic Rivers	X	X	X	X	X	X	

X indicates resource area needs further Tier 2 Site-Specific Environmental Review

5.3.1 Airport Hazards

24 CFR Part 51 Subpart D, 24 CFR 58.6[d]

The restrictions on construction and major rehabilitation of structures within a Runway Protection Zone/Clear Zone (RPZ/CZ) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration (FAA) National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301[c]). There are eleven North Carolina airports listed as commercial service airports in the current NPIAS, and none of the listed airports are located in or adjacent to Wayne County.

HUD regulations also include restrictions on construction and major rehabilitation within Accident Potential Zones (APZs) associated with runways at military airfields (24 CFR 51.303). The Seymour Johnson Airforce Base (AFB) is located in Wayne County (see **Figure 7** in **Appendix A** showing the location of Seymour Johnson AFB in Wayne County). Each project site will be reviewed for its location relative to the APZs for the Seymour Johnson AFB runway(s) in the Tier 2 Site-Specific Review Checklist.

HUD policy for actions in APZs at military airfields is to discourage the provision of any assistance, subsidy or insurance for projects and actions within an APZ. To be approved, projects must be generally consistent with the recommendations in the Land Use Compatibility Guidelines for APZs chart contained in U.S. DoD Instruction 4165.57, 32 CFR Part 256 (24 CFR 51.303[b]).

If a project involves assistance, subsidy, or insurance for the purchase or sale of an existing property which is located in either a civil airport runway CZ or a military airfield CZ, the appropriate notifications will be made in accordance with 24 CFR 51.303(a)(3), Notice to Prospective Buyers of Properties Located in Runway CZs and CZs. Notification shall consist of advising the buyer that the property is in the CZ, the implication of such location, and that future acquisition by the airport operator is possible. The buyer must sign a statement acknowledging receipt of this information. The original signed copy of the Notice to Prospective Buyers must be maintained as part of the project file on this action.

All proposed actions will require site-specific review. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.

Site-Specific Review Determination Process

The approach to address airport hazards on a project site will be to review all project sites on a case-by-case basis as summarized below:

- All project site locations will be reviewed relative to the locations of the Seymour Johnson AFB runway(s).
- For any project site located more than 15,000 feet (2.84 miles) from the Seymour Johnson AFB runway(s), the review is concluded.
- For any project site located within 15,000 feet (2.84 miles) from the Seymour Johnson AFB runway(s), its location will be compared against the APZs.

- If the project site is located within an APZ associated with the Seymour Johnson AFB runway(s), the DoD will be contacted to confirm whether the project site is located within the APZs, and to establish that the project is generally consistent with recommendations in DoD instructions. All coordination will be documented in the Tier 2 Site-Specific Review Checklist.

The state's Certifying Officer has the responsibility to make decisions to approve projects in the military airport APZs. Such decision will be documented in the Tier 2 Site-Specific Review Checklist.

If a project site is located within the APZ for Seymour Johnson AFB, notification to the property owner will be made in accordance with 24 CFR 51.303(a)(3), Notice to Prospective Buyers of Properties Located in Runway CZs and CZs, and the original signed copy will be maintained as part of the project file for the action.

5.3.2 Contamination and Toxic Substances

24 CFR 58.5 [i][2][i] and [iii]

Contaminated Sites

Per 24 CFR 58.5(i)(2)(i), it is HUD policy that all properties that are being proposed for use in HUD programs be "free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property." Furthermore, per 24 CFR 58.5(i)(2)(iii), "particular attention should be given to any proposed sites on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes."

Per HUD guidance, typically such documentation includes demonstration that the property is as follows:

- Is not listed on an EPA Superfund National Priorities List (NPL) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) List, or equivalent state list.
- Is not located within 3,000 feet of a toxic site or solid waste landfill site (although a site located within 1,000 feet is typically investigated further by the NCDEQ Division of Waste Management [DWM] for protection of private drinking water wells [i.e., 1,000 feet is the distance used in NCDEQ's Well Permitting Decision Tool] and assessment of vapor intrusion).
- Is not contaminated by an onsite underground storage tank (UST).
- Is not known or suspected to be contaminated by toxic chemicals or radioactive materials.

All solid waste materials generated during rehabilitation and reconstruction activities must be managed and transported in accordance with North Carolina's solid and hazardous waste rules.

Asbestos

There is a potential for rehabilitation/reconstruction contractors to encounter asbestos-containing materials (ACM) during repair or demolition activities. North Carolina Department of Health and Human Services (NCDHHS), Division of Public Health regulations require that a building must be thoroughly inspected by a North Carolina-accredited asbestos inspector for potential ACM before beginning any

demolition or renovation activity. In addition, NCDHHS must be notified at least 10-workdays prior to beginning demolition, even if no ACM is present in the building.

Materials containing asbestos that can be crumbled or reduced to powder by hand pressure must be removed prior to demolition or renovation activities that will disturb the material. All ACM must be removed from any building that will be demolished by intentional burning. The removal must be performed only by North Carolina-accredited asbestos professionals. Owners or operators must obtain an asbestos removal permit from the North Carolina Health Hazards Control Unit prior to any renovation project that will disturb more than 35 cubic feet, 160 square feet, or 260 linear feet of regulated ACM.

Radon

Radon is a naturally occurring radioactive gas and comes from the breakdown (radioactive decay) of uranium. It is usually found in igneous rock and soil, but in some cases, well water may also be a source of radon. It has been identified by the EPA as an indoor (and outdoor) air quality issue. Wayne County is considered by the EPA to be located in Zone 3 for radon, indicative of an area of low potential for radon (see **Figure 8** in **Appendix A**). Zone 3 is predicted to have an average indoor radon screening level of less than 2 picocuries per liter of air (pCi/L). EPA recommends mitigation for residences with radon concentrations at or above 4 pCi/L (radon Zones 1 and 2). Because of the EPA's low potential for radon rating for Wayne County and the scope of the potential proposed actions, the issue of radon is expected to have no impact.

Lead-Based Paint

The Homeowner Recovery and Rental Programs require assessments for lead-based paint on structures constructed prior to 1978. While this determination is not a part of the eligibility criteria for participation in the program, HUD does require adherence to the implementation of HUD's *Lead Safe Housing Rule*.

The Homeowner Recovery and Rental Programs are subject to the requirements of the Lead Safe Housing Rule found at 24 CFR 35. In addition, specific lead-based paint stabilization, clearance, abatement, and other related tasks on housing and associated structures built prior to January 1, 1978, are subject to the requirements of the North Carolina Division of Public Health (NCDPH), Health and Human Services. The rules and regulations can be found at: <http://epi.publichealth.nc.gov/lead/rules.html>.

The following are exempt from the subject HUD regulation (unless specifically identified in the NCDPH rules and regulations) in accordance with 24 CFR 35.115 Exemptions:

- Housing (and associated structures) built on or after January 1, 1978 (this exemption is first and foremost - any structures built after this date are exempt from these regulations).
- Zero-bedroom units (i.e., efficiencies).
- Rehabilitation activities that will specifically exclude painted surfaces.
- Property that has been found to be free of lead-based paint by a North Carolina certified lead inspector.
- Property from which all lead-based paint has been removed and clearance has been achieved.
- An unoccupied dwelling unit or residential property that is to be demolished, provided the dwelling unit or property will remain unoccupied until demolition.

- Other specifically applicable exemptions included in Section 115(a).

All properties not covered under an exemption shall be addressed under 24 CFR 35 Subpart B - General Lead-Based Paint Requirements and Definitions for all Programs and Subpart R - Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Reduction Activities, at a minimum. If NCDPH Rules and Regulations present a stricter requirement, those requirements shall be followed.

Mold

Mold can also have an adverse effect on human health, and is a very common problem in houses that have been flooded. Mold should not be a problem in houses that have been demolished and reconstructed, but could remain in rehabilitated housing if steps are not taken to eliminate mold during the rehabilitation. All residential structures funded under the Homeowner Recovery and Rental Programs (except for those homes that are reconstructed/replaced, relocated, or acquired for buyout [Proposed Actions 3, 4, and 5]) must be inspected to determine if mold attributable to effects from Hurricane Matthew is present. If mold that is attributed to effects from Hurricane Matthew is present, it must be remediated in accordance with accepted practice and with the state and/or county requirements. NCDPH guidelines for the effects and remediation of mold can be found at: <http://epi.publichealth.nc.gov/oea/z/mold.html>.

Site-specific review should be conducted by a qualified environmental professional (EP), in accordance with American Society for Testing and Materials (ASTM) E1527-00, for all proposed actions. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.

Site-Specific Review Determination Process

Contaminated Sites

Site-specific review for contaminated sites is required for all proposed actions.

Site-specific reviews will involve site walkthroughs and limited observation of surrounding properties from a public right-of-way. Site-specific reviews will also involve a review of data contained in public geo-referenced databases readily available from EPA and NCDEQ regarding NPL sites, CERCLA sites, state-listed inactive hazardous sites, hazardous or solid waste landfill sites, pre-regulatory landfill sites, UST incident sites, above-ground tank incident sites, Brownfields program sites, and others.

The state's site-specific review is not intended to satisfy the requirements of a Phase 1 Environmental Site Assessment or other Environmental Due Diligence process as defined by the American Society of Testing and Materials, or any of the requirements necessary to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability. Nor does the review address typical household quantities of hazardous materials (e.g., gasoline in a portable container, less than 1-gallon containers of pesticides, etc.); the potential presence of toxics in building materials or equipment, such as polychlorinated biphenyls (to also exclude electrical transformers), mercury, urea formaldehyde, formaldehyde, or from drinking water or septic system contamination. The state does not intend to conduct any sampling in support of this program.

The state's approach to address potentially contaminated sites on a site-specific basis is summarized below:

- A site walkthrough will be conducted and relevant information about the project site and structure will be documented. During the site walkthrough, limited observation of surrounding properties from a public right-of-way will also be conducted and documented. The information will be reviewed by an EP to assess obvious signs of hazardous, toxic, or radioactive materials or substances on the site and surrounding properties.
- The following public databases, identified through coordination with the NCDEQ DWM and EPA Region 4, will be used to identify sites on or within 3,000 feet of the project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i) (with a primary focus on listed sites located within 1,000 feet which is the distance that NCDEQ DWM typically uses for protection of private drinking water wells and for assessment of vapor intrusion):
 - ✓ NCDEQ Online Geographic Information System (GIS) Open Data - Includes Brownfield sites, hazardous waste sites, inactive hazardous sites, pre-regulatory landfills, UST incidents, above-ground storage tank and spill incidents, federal remediation sites, drycleaner sites, and others. (Note: NCDEQ DWM has stated that it is currently working on an interactive on-line map viewer to allow CDBG-DR reviewers to more easily identify contaminant sources located near proposed project sites, and that viewer will be available via the same "NCDEQ Online GIS Open Data" URL provided in this paragraph.) URL: <http://data-ncdenr.opendata.arcgis.com/>
 - ✓ NCDEQ DWM On-line Document Management (Laserfiche) System - This is NCDEQ's database of technical documentation regarding contaminated sites that may be accessed to obtain more detailed information regarding individual contaminant site concerns in order to assess impacts on project sites. The NCDEQ Online GIS Open Data includes direct links to the Laserfiche System for mapped sites. The Laserfiche System can also be accessed directly. URL: <http://edocs.deq.nc.gov/WasteManagement/Search.aspx?cr=1>
 - ✓ Formerly Used Defense Sites – Identifies contaminated sites under investigation by the USACE. URL: <http://www.usace.army.mil/Missions/Environmental/Formerly-Used-Defense-Sites/FUDS-GIS/>
 - ✓ NEPAassist - EPA's Superfund List (Superfund Enterprise Management System, which replaced CERCLIS); National Priorities List (NPL); Hazardous Waste (RCRAInfo); Brownfields (ACRES); RADInfo; and Toxic Substances Control Act (TSCA) databases. URL: <https://www.epa.gov/nepa/nepassist>
- Data obtained during the site walkthrough and the public database review will be used by the EP to evaluate the potential for a suspected or known contaminated site to be located on or to have adversely impacted the project site, where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. The steps in this review process are as follows:
 - ✓ The EP will determine if there is any evidence of on-site contamination or the presence of listed contaminated sites within 1,000 feet of the project site.

- ✓ If there is any evidence of on-site contamination or the presence of listed contaminated sites within 1,000 feet of the project site, the EP will determine whether, in his/her judgement, it is likely that on-site contamination source or contamination associated with nearby listed sites has had a direct impact on the subject property with respect to contamination by toxic chemicals or radioactive materials based on the nature of the listed contaminated site, its regulatory status, distance and topographic relationship to the subject property, and/or inferred direction of groundwater flow. As needed to make this determination, the EP will conduct a Phase I Environmental Site Assessment in accordance with ASTM E1527-13, followed by Phase II environmental assessments as warranted to confirm/refute the present of on-site contamination and to characterize the on-site contamination (if present).
- ✓ If identified contamination is likely to have directly impacted the subject property, the EP will determine whether, in his/her judgement, if the contamination has the potential to: 1) affect the health and safety of the occupants via direct contact, ingestion of groundwater, or vapor intrusion taking into account the source of potable water to the subject property (private potable water well versus public water); or 2) conflict with the intended use of the property.
- ✓ If the EP finds that the contamination has the potential to affect the health and safety of the occupants, then the project site will not be eligible for CDBG-DR funding, unless one of the following is available for the listed contaminated site of concern (or the project site if it is found to be contaminated): i) a No Further Action status from NCDEQ or EPA; ii) documented levels of contamination on the project site (supplied by the property owner, NCDEQ, or EPA) below federal clean-up and/or action standards; or iii) evidence that corrective action to mitigate exposures to residents has been implemented.

Although consultation with regulatory agencies is not needed for this review topic, communication with NCDEQ DWM and/or EPA will be conducted as necessary to gain additional knowledge regarding nearby contaminated sites in order to assess their impacts on the project site.

Septic waste is a solid waste by North Carolina statute and is, therefore, under NCDEQ DWM's purview. Applicants must demonstrate that their septic systems have been inspected by a certified septic system Inspector in accordance with G.S. 130A-333 et seq., and recommended repairs must be made in accordance with the inspector's report.

Asbestos

Site-specific review for asbestos is required for all proposed actions, except Proposed Action 7.

In accordance with applicable federal and state laws and regulations regarding asbestos, if the project plans involve demolition or rehabilitation that will disturb building materials, the building materials in the critical path of demolition or rehabilitation must be thoroughly inspected by a North Carolina-accredited asbestos inspector for potential ACM before beginning any demolition or rehabilitation activities. In addition, NCDHHS must be notified at least 10-workdays prior to beginning demolition, even if no ACM is present in the building. Removal and disposal of identified ACM in the critical path of demolition or

rehabilitation must be performed North Carolina-accredited asbestos professionals and in accordance with all applicable federal and state laws and regulations.

Lead-Based Paint

Site-specific review for lead-based paint is required for Proposed Actions 1, 2, 6, and 7. Proposed actions that involve demolition of the structure (Proposed Actions 3, 4, and 5) do not require lead-based paint inspection.

In accordance with 24 CFR 35.115 Exemptions, the property/project is exempt from lead-based paint regulations if the following exists:

- The residential structure was built on or after January 1, 1978.
- The residential structure is a zero-bedroom unit (i.e., efficiency).
- Rehabilitation activities will specifically exclude painted surfaces.
- The property has been previously found to be free of lead-based paint by a North Carolina certified lead inspector.
- All lead-based paint has been removed from the property, and clearance has been achieved.
- The residential structure will remain unoccupied until demolition.

Otherwise, a lead-based paint inspection should be conducted by a North Carolina certified lead inspector. If lead-based paint is present, the state will ensure compliance with the regulations found at 24 CFR Part 35 (Lead-Based Paint Poisoning Prevention in Certain Residential Structures) and all applicable state and local regulations regarding lead-based paint.

Mold

Site-specific review for mold is required for Proposed Actions 1, 2, 6, and 7. Proposed actions that involve reconstruction, relocation, or demolition of the structure (Proposed Actions 3, 4, and 5) do not require mold inspection.

For Proposed Actions 1, 2, 6, and 7, the structure must be inspected to determine if mold attributable to effects from Hurricane Matthew is present. If mold that is attributed to effects from Hurricane Matthew is present, it must be remediated in accordance with accepted practice and with the state and/or county requirements.

5.3.3 Endangered Species

Federal Endangered Species Act, 16 U.S.C. 1531 to 1543, 50 CFR 402; Bald and Golden Eagle Protection Act, 16 USC 668 et seq.; North Carolina Endangered and Threatened Wildlife and Wildlife Species of Special Concern, G.S. 113-331 to 113-337, 15A NCAC 10I .0101

The Endangered Species Act of 1973 (ESA), as amended, and its implementing regulations provide federal agencies with a mandate to conserve threatened and endangered (T&E) species and ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a T&E species in the wild, or destroy or adversely modify its critical habitat. The ESA, therefore, requires that the state make a determination of effect to any federal-listed species or designated critical habitat that may occur

as a result of actions funded, authorized, or carried out by the state under the CDBG-DR. Projects that affect T&E species or critical habitats require consultation with the Department of the Interior, US Fish and Wildlife Service (USFWS) or the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service/National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the ESA.

The Bald Eagle (*Haliaeetus leucacephalus*), though no longer listed under the ESA, continues to be protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (16 USC 703 et seq.).

The North Carolina Wildlife Resources Commission (NCWRC) lists state-protected species pursuant to G.S 113-331 to 113-337, North Carolina Endangered and Threatened Wildlife and Wildlife Species of Special Concern.

The NCNHP, as part of its mission to preserve the biological diversity of North Carolina, maintains an inventory of all known occurrences/locations of rare taxa and serves as the state's data source of locality information of rare and federal- and state-listed animal and plant species, including species that have been proposed for or are candidates for Federal listing. The NCNHP Data Explorer (<http://ncnhp.org/data/species-community-search>) was accessed on May 17, 2018, as a first step in identifying federal- and state-listed T&E species currently found in Wayne County as a starting point for consultations with the USFWS-Raleigh Field Office (USFWS-RFO) and the NMFS for federal-listed T&E species, the NCWRC for state-listed T&E animal species, and the North Carolina Department of Agriculture and Consumer Services/Plant Conservation Program (NCPCP) for state-listed T&E plant species. The species identified by the USFWS-RFO and the NCWRC for site-specific review are discussed below along with the review approach to be used for each species.

There are no National Wildlife Refuges/National Fish Hatcheries or critical habitats in Wayne County; therefore, review is complete with respect to these topics.

The NCPCP does not have regulatory authority to advise on or issue effect determinations or conduct consultations as described under Section 7 ESA. The following regulations guide the NCPCP:

- GS 106-202.19 Unlawful Acts. ...the incidental disturbance of protected plants during agricultural, forestry or development operation is not illegal so long as the plants are not collected for sale or commercial use.
- North Carolina Administrative Code (NCAC 48F Section .0400) states that you only need to apply for a protected plant permit to authorize collection, movement and possession of any protected plant or their propagules for scientific research, conservation purposes, or for propagation and sale.

Since CDBG-DR funds are not being used for purchase/sale, propagation, or research of plants, the regulations governing the NCPCP are not applicable to the proposed actions under the CDBG-DR Homeowner Recovery and Rental Programs.

Consultation is not required under Section 7 of the ESA when CDBG-DR assistance is provided for costs incurred (i.e., Proposed Action 7) because physical activities were undertaken before the state could review projects with the potential to affect T&E species.

Review of T&E species for Proposed Action 7 is concluded. Site-specific review should be conducted for Proposed Actions 1 through 6. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.

Site-Specific Review Determination Process

Table 5-4 presents a list of federal- and state-listed T&E species that are to be included in the site-specific environmental reviews for Proposed Actions 1 through 6 (only Proposed Actions 4 and 6 for state-listed T&E species). Site-specific T&E species reviews shall be conducted by a qualified and appropriately-trained professional. Sites that are determined to have the potential to adversely affect T&E species will require coordination with either the USFWS-RFO per 50 CFR 402 or the NCWRC per 15A NCAC 10I .0101 prior to construction.

Table 5-4 Tier 2 Site-specific Review Threatened and Endangered Species List for Wayne County

SPECIES	Status (Federal/State)	HABITAT
Bird		
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	(BGPA/T)	Dominant canopy pine or Cyprus trees
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	(T-4[d]/-)	Hibernate in caves/mines, roost in trees
Freshwater Bivalve		
Eastern Lampmussel, <i>Lampsilis radiata</i>	-/T	Freshwater perennial streams
Triangle Floater (<i>Alasmidonta undulate</i>)	-/T	Freshwater perennial streams
Yellow Lance (<i>Elliptio lanceolata</i>)	T/E	Freshwater perennial streams

Source: NCNHP Data Explorer, accessed on May 17, 2018, County Status - Current.
BGPA - Bald and Golden Eagle Protection Act
E - Endangered
T - Threatened

Federal-Listed T&E Species

The USFWS-RFO was consulted with respect to compliance with Section 7 of the ESA including the species to be addressed and the approach to be taken for site-specific reviews. **Site-specific review for federal-listed T&E species is not required for Proposed Action 7 since activities under this proposed action have already been completed.** For federal-listed T&E species, the following paragraphs present the species of interest and the approach to be used for the site-specific reviews.

Bald Eagle - The Bald Eagle is of concern State-wide. Bald Eagles nest in super dominant canopy trees (i.e., trees that are much taller than surrounding trees so that the birds can see a wide area). If the project involves the removal of a large pine or cypress near a creek or lake, there is a potential for a Bald Eagle nest. As a first screen, the NCNHP Data Explorer should be accessed to find out if a known Bald Eagle nest is present. The next step is to visually inspect any super dominant canopy cypress or pine tree that is to be removed for evidence of a large bird nest (important since not every nest is shown in the NCNHP Data Explorer). If there is any evidence of a large bird nest, the USFWS-RFO should be consulted, starting with providing the location of the property, the proposed work to be done, and a photograph of the nest.

Northern Long-eared Bat (NLEB) - The following link identifies counties in eastern North Carolina where USFWS records indicate the presence of the NLEB: https://www.fws.gov/raleigh/NLEB_RFO.html. Roosting sites for the NLEB are identified as red areas on the map that can be downloaded at <https://www.sciencebase.gov/catalog/item/5851849ee4b0f99207c4f10e>. These two links should be checked for updates during the Tier 2 site-specific reviews as bat survey work is ongoing in North Carolina. USFWS consultation is required for any project site located within a known roosting area. Currently (as of June 19, 2018), the **NLEB has not been observed in Wayne County** nor are there any NLEB roost trees known to exist in the county; therefore, barring new data to the contrary, project sites in Wayne County are not subject to restrictions for the NLEB.

If a proposed action involves tree removal, effects on the NLEB must be assessed. Since there are no known roost trees for the NLEB in Wayne County, tree removal activities are covered by the Programmatic Biological Opinion for the final 4(d) rule, and consultation with the USFWS should not be required.

Wayne County is located within the white-nose syndrome (WNS) zone (see **Figure 9 in Appendix A**). Within the WNS zone, the final 4(d) rule prohibits:

- Incidental take of NLEBs in their hibernacula, which may be caused by activities that disturb or disrupt hibernating individuals when they are present as well as the physical or other alteration of the hibernaculum's entrance or environment when bats are not present.
- Incidental take of NLEBs outside of hibernacula resulting from activities other than tree removal is not prohibited provided they do not result in the incidental take of NLEBs inside hibernacula.
- Incidental take resulting from tree removal is prohibited if it: (1) occurs within 0.25 miles of known NLEB hibernacula; or (2) cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius around the known, occupied maternity tree during the pup season (June 1 to July 31).

NLEBs hibernate in caves and mines, called hibernacula. The proposed actions would not involve work in caves or mines; therefore, the proposed actions comply with prohibition #1. If a proposed action in Wayne County involves tree removal, the location of hibernacula and maternity roost trees will be evaluated to ensure the action complies with prohibition #3. No further consultation with USFWS-RFO is required.

Federal-listed T&E Freshwater Bivalve Species - For Proposed Actions 4 and 6, if a project will result in vegetation removal and/or land clearing/disturbance within 100 feet of a perennial stream in which a

federal-listed T&E freshwater bivalve species is known to exist (based on NCNHP Data Explorer element occurrences within a distance of 1,000 feet upstream or 1,000 feet downstream of the site in the potentially-impacted stream), consultation with the USFWS-RFO will be required.

State-Listed T&E Species

The NCWRC was consulted with respect to compliance with G.S. 113-331 to 113-337 including the species to be addressed and the approach to be taken for site-specific reviews. In accordance with consultation with NCWRC, Proposed Actions 1, 2, 3, 5, and 7 would not adversely impact state-listed T&E species; therefore, the review is concluded for those proposed actions. **Site-specific reviews are only required for Proposed Actions 4 and 6 for state-listed T&E species.**

For state-listed T&E species listed in Table 5-4 (i.e., those known to currently exist in Wayne County), the following paragraphs present the species of interest to NCWRC and the approach to be used for the Tier 2 site-specific reviews.

State-listed T&E Freshwater Bivalve and Fish Species - If a project will result in vegetation removal or land clearing/disturbance within 100 feet of a perennial freshwater stream in which a state-listed T&E freshwater bivalve or fish species is known to exist (based on NCNHP Data Explorer element occurrences in the potential-impacted stream within a distance of one mile upstream or one mile downstream of the project site), the following mitigation measures must be implemented:

1. Maintain a minimum 100-foot undisturbed, native, forested buffer along perennial streams, and a minimum 50-foot undisturbed, native, forested buffer along intermittent streams and wetlands. Maintaining undisturbed, forested buffers along these areas will minimize impacts to aquatic and terrestrial wildlife resources, water quality, and aquatic habitat both within and downstream of the project site. Also, wide riparian buffers are helpful in maintaining stability of stream banks and for treatment of pollutants associated with urban stormwater.
2. Erosion and sediment control measures should conform to the High Quality Water Zones standards stipulated in the NCDEQ Erosion and Sediment Control Plan (<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permit-guidance/erosion-sediment-control-planning-design-manual>). Sediment and erosion control measures should use advanced methods and be installed prior to any land-disturbing activity. The use of biodegradable and wildlife-friendly sediment and erosion control devices is strongly recommended. Silt fencing, fiber rolls and/or other products should have loose-weave netting that is made of natural fiber materials with movable joints between the vertical and horizontal twines. Silt fencing that has been reinforced with plastic or metal mesh should be avoided as it impedes the movement of terrestrial wildlife species. Excessive silt and sediment loads can have detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills.

If a minimum 100-foot riparian buffer is maintained and erosion and sediment control devices are installed outside of this buffer, consultation with NCWRC for state-listed aquatic species is not required.

The following general recommendations should be considered when relocating on previously-undisturbed land (Proposed Action 4) or acquiring property for redevelopment (Proposed Action 6) to minimize impacts to aquatic and terrestrial species:

- The project footprint should be surveyed for wetlands and streams to ensure there are no impacts to surface waters. In addition to providing wildlife habitat, wetland areas and streams aid in flood control and water quality protection. USACE Section 404 Permits and NC Division of Water Resources Section 401 Certifications are required for any impacts to jurisdictional streams or wetlands.
- Stormwater runoff to receiving surface waters can be minimized by reducing impervious surfaces and increasing infiltration onsite using Low Impact Development (LID) techniques. LID techniques appropriate for this project may include permeable pavement and bioretention areas that can collect stormwater from impervious areas. Additional alternatives include narrow driveways; swales versus curbs/gutters; and permeable surfaces such as turf stone, brick and cobblestone.
- Re-seed disturbed areas with seed mixtures that are beneficial to wildlife. Avoid fescue-based mixtures as fescue is invasive and provides little benefit to wildlife. In addition, the use of non-invasive, native species is recommended. Using native species instead of ornamentals should reduce the need for water, fertilizers, and pesticides.
- Insecticides and herbicides should not be used within 100 feet of perennial streams and 50 feet of intermittent streams, or within floodplains and wetlands associated with these streams.

NCWRC defers to the USFWS for consultation regarding the Bald Eagle and Yellow Lance.

5.3.4 Explosive and Flammable Hazards

24 CFR Part 51, Subpart C, Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature

The definition of “HUD-assisted project” at 24 CFR 51.201 is predicated on whether the project increases the number of people exposed to hazardous operations. Therefore, the environmental review for proposed actions to reconstruct, repair / rehabilitate, elevate, mitigate, or demolish housing that existed prior to the disaster is not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C where the number of dwelling units is not increased and the activities are limited to the existing footprint.

An ASD analysis is required if the number of dwelling units increases and if the building footprint changes, potentially bringing the structure closer to an aboveground storage tank (AST) containing a flammable or explosive substance. As some of the proposed actions in this program are considered new construction, acquisition, and/or construction on a new footprint, this review topic could be applicable in those instances.

Per 24 CFR 51 Subpart C, it is HUD policy that all properties that are being proposed for use in HUD programs be located at “the acceptable separation distance from a hazard,” unless appropriate mitigating measures are implemented or are already in place. A hazard, per the same citation, is defined as “any stationary container which stores, handles or processes hazardous substances of an explosive or fire

prone nature.” A list of specific hazardous substances addressed by this policy can be found in Appendix I to Subpart C of 24 CFR 51.

Features excluded under this definition of “hazard” include underground pipelines or those which comply with “applicable federal, state and local safety standards” for the transmission of hazardous substances; containers less than 100 gallons in capacity which contain “common liquid industrial fuels;” facilities that are shielded from the proposed HUD-assisted project by topography; and natural gas holders with floating tops used to store vaporized natural gas (24 CFR 51 Subpart C).

Furthermore, per 24 CFR 51 Subpart C, HUD “shall evaluate projected development plans in the vicinity of these projects to determine whether there are plans to install a hazardous operation proximate to the proposed project.”

There are a number of containers storing the HUD-listed flammable or explosive substances located in the subject county. For example, diesel fuel and propane are used at many residential, commercial, and industrial properties as either a primary or emergency heating source. Commercial and industrial facilities are more likely to store larger quantities of the HUD-listed substances onsite.

The EPA maintains lists of various facilities reported as storing chemicals and oil-based substances. Certain local municipalities also maintain lists of facilities having AST containing the subject substances.

The review will address the following:

- Containers readily observed on the exterior of buildings on a site or readily observed from a public right-of-way or aerial photography on an adjoining site unless otherwise identified by a regulatory agency.
- Containers identified on a site or adjoining site by a regulatory agency.
- Projected hazardous operations development that is identified by regulatory agencies.
- The project map file that has a current depiction of ASTs gathered from viewing of areas from public rights-of-way in the project area or from review of aerial photography.

For Proposed Actions 1, 2, 3, 5, and 7 where the number of residential units is not increasing, the review is concluded. For Proposed Actions 4 and 6 where construction could result in an increased number of people potentially exposed to hazardous operations by increasing residential densities or adjusting a dwelling’s location, site-specific review is required, and the relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.

Site-Specific Review Determination Process

The approach to address explosive and flammable hazards on a site-specific basis is summarized below:

- For Proposed Actions 1, 2, 3, 5, and 7 where the number of residential units is not increasing, the review is concluded. In addition, for Proposed Actions 4 and 6, if the number of residential units is not increasing, the review is concluded.

- For Proposed Actions 4 and 6 where construction could result in an increased number of people potentially exposed to hazardous operations by increasing residential densities or adjusting a dwelling's location:
 - ✓ A review will be performed against the public databases and other information obtained from Federal, state and local regulatory agencies and municipal agencies to identify locations of containers greater than 100 gallons in capacity of explosive and flammable substances in the subject county.
 - ✓ A site observation from a public right-of-way will be conducted, and information about the site and surrounding properties will be documented. The information will be reviewed to try to assess obvious signs of an AST, emergency generator (which typically have an associated AST), or other container greater than 100 gallons on the site.
 - ✓ Aerial photography within one-mile of the site will be reviewed to attempt to ascertain the existence of ASTs.
 - ✓ Information regarding identified ASTs from database review, site walkthroughs, and aerial photography review will be obtained to the extent possible, such as distance from the site; capacity; whether the tank is diked (and its size), or un-diked; whether the tank contents are in a gaseous or liquid state; and/or whether the tanks are pressurized or unpressurized; etc.
- Where the required information is available, the ASD from aboveground containers of flammable or explosive substances on the site or off site-properties, as identified during prior review steps, will be calculated. The hazard requiring the greatest separation distance (either heat or blast overpressure related) will determine the ASD for the site.
 - ✓ For sites located at an actual distance that is greater than the ASD of a flammable or explosive hazard, the actual separation distance is considered adequate, and the review will be complete.
 - ✓ For sites located at an actual distance that is less than the ASD of a flammable or explosive hazard, the actual separation distance is considered inadequate and must be increased to the ASD unless appropriate mitigating measures exist or are constructed. The state will notify the applicant regarding their options of choosing a new location, relocating the AST, or providing appropriate documentation to meet HUD requirements for an appropriate mitigation measure (such as a reinforced concrete wall, blast enclosure, earthen berm, etc.). If a mitigating measure is implemented and documentation is provided to the state, or the applicant's site or the AST are relocated, this additional information will be evaluated and further considered by the state in the ASD consideration.

5.3.5 Farmlands Protection

7 CFR Part 658, Farmland Protection Policy Act

The Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201 et seq.; implementing regulations 7 CFR Part 658 of the Agriculture and Food Act of 1981, as amended) regulates Federal actions with the potential to convert farmland to nonagricultural uses. The purpose of the Act is to minimize the effect of Federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses. The Act

does not apply to projects on land already in or committed to urban development, projects on land used for water storage, or those that could otherwise not convert farmland to nonagricultural uses.

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) makes determinations of prime and unique farmlands in North Carolina, and consultation with the NRCS is required if farmland that is protected under the FPPA is to be converted to nonagricultural uses. The NRCS uses Form AD-1006 ("Farmland Conversion Impact Rating") to make determinations regarding the relative value of land deemed as farmland. Form AD-1006 involves scoring of the relative value of the site for preservation, and is completed by both the proponent (the state) and the NRCS. Total scores below 60 require no further analysis. Scores above 60 require further consideration of at least one alternative project site.

The environmental review must include a finding that

- The project does not include any activities, including new construction, acquisition of undeveloped land, or conversion, that could potentially convert one land use to another; or
- The proposed project site does not include "Important Farmland," including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA; or
- The project meets one of the exemptions, including all applicable maps; or
- The project site is located on Important Farmland and at least one alternative to completing the project on important farmland was considered. Form AD-1006 ("Farmland Conversion Impact Rating") has been completed and submitted to the NRCS for evaluation.

"Important Farmland", in accordance with 7 CFR 658.2(a), is defined as "prime farmland, unique farmland, and/or land of statewide or local importance." The regulations further define "committed to urban development" as land with a density of 30 structures per 40-acre area; lands identified as "urbanized area" (UA) on the Census Bureau Map or as urban area mapped with a "tint overprint" on USGS topographical maps; or as "urban-built-up" on the USDA Important Farmland Maps. (Note that land "zoned" for development, i.e. nonagricultural use, does not exempt a project from compliance with the FPPA.)

Projects involving rehabilitation, reconstruction, replacement, elevation, demolition and/or acquisition of existing residential structures on previously developed properties (Proposed Actions 1, 2, 3, 5, 6, and 7), meet the definition of a "project on land already in or committed to urban development" and are, therefore, exempt from compliance with FPPA (7 CFR 658.2[a]). **No further review of Proposed Actions 1, 2, 3, 5, 6, and 7 is needed.**

Projects involving new construction or placement of mobile homes (with or without acquisition) on previously undeveloped land, Proposed Action 4, are subject to FPPA and will require site-specific evaluation. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.

Site-Specific Review Determination Process

The approach to address Farmlands Protection for Proposed Action 4 on a site-specific basis is summarized below:

- If the project does not include any activities, including new construction, acquisition of undeveloped land, or conversion that could potentially convert one land use to another, then the review is concluded; therefore, for Proposed Actions 1, 2, 3, 5, 6, and 7, compliance has been met.
- Proposed Action 4 projects will be reviewed to determine whether the project may irreversibly convert farmland to a nonagricultural use.
 - ✓ For project sites located on land “committed to urban development”, the FPPA does not apply, and the review is complete.
 - ✓ For project sites that do not include “Important Farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA, the review is complete.
 - ✓ For project sites that may irreversibly convert farmland to a nonagricultural use, the state will prepare and submit Form AD-1006 along with a site location map showing prime farmlands on and surrounding the site, and a topographic map of the site area, to the NRCS. For sites with a score above 60, the state will consider at least one project alternative and work with NRCS to minimize the impact of the project on protected farmland.
 - ✓ The state will consider the final score calculated for each site as outlined on Form AD-1006, in the final approval process in accordance with 7 CFR 658.

5.3.6 Flood Insurance

Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)

The National Flood Disaster Protection Act and the National Flood Insurance Reform Act (NFIRA) require that projects receiving federal assistance grants or loans and located in an area identified by FEMA as being within a SFHA be covered by flood insurance under the National Flood Insurance Program (NFIP). The NFIRA requirements apply to insurable buildings and personal property located in the SFHA that have been damaged by a disaster event.

FEMA defines the SFHA as follows: *“The land area covered by the floodwaters of the base flood is the SFHA on NFIP maps. The SFHA is the area where the NFIP’s floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.”*

In Wayne County, the SFHA includes Zones A, AE, A1-A30, AH, AO, and AR. There are no coastal high hazard areas (Zones V, VE, and V1-V30) in Wayne County.

CDBG-DR assistance provided for a structure located in the SFHA (as determined using FEMA’s Digital Flood Insurance Rate Maps [DFIRM]) must require flood insurance to be obtained in the amount of the total project cost. The development or project cost is the total cost for rehabilitating, elevating, demolishing, and/or reconstructing the home following the disaster. The project cost includes both the federally-assisted and the non-federally assisted portion of the cost, including any machinery, equipment, fixtures, or furnishings (the total cost of which must also be covered by flood insurance).

Flood insurance requirements for sites located in the SFHA are as follows:

- In compliance with 24 CFR 58.6(b), no funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance.
- Projects located in the SFHA, in communities that are not participating (e.g., Town of Eureka), or have been suspended from the NFIP, are not eligible to receive federal assistance.
- The amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the NFIP, whichever is less.
- Flood insurance coverage must be obtained and maintained for the economic life of the structure irrespective of the transfer of ownership.

Site-specific review should be conducted for Proposed Actions 1, 2, 3, 4, 6, and 7. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist. No further review is required for Proposed Action 5.

Site-Specific Review Determination Process

No further review is required for Proposed Action 5.

For Proposed Actions 1, 2, 3, 4, 6, and 7, the state's approach to document compliance with flood insurance requirements on a site-specific basis is summarized as follows:

- For each project site, the location of the structure(s) will be compared to the FEMA DFIRMs, available at <http://fris.nc.gov/fris/>, to determine if any portion of the structure(s) is located within the SFHA. A FEMA DFIRM map showing the location of the structure(s) will be appended to the Tier 2 Site-Specific Review Checklist.
- If no portion of the structure(s) is within the SFHA, then the review is concluded.
- If a portion of the structure(s) is within the SFHA, then determine if the property owner has previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance. If the property owner failed to obtain and maintain the insurance, the property owner is not eligible for CDBG-DR assistance, and the review is concluded.
- If the project site is located in a community that is not participating in the NFIP (e.g., Town of Eureka), CDBG-DR assistance cannot be used to fund or reimburse project activities.
- If a portion of the structure(s) is within the SFHA and the site is eligible for CDBG-DR assistance, proof of flood insurance should be provided in the form of a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium or a copy of the application for flood insurance. If no proof of insurance can be provided, then CDBG-DR funds may not be used to fund or reimburse project activities.

The environmental review record should contain one of the following:

- A FEMA DFIRM showing that the project's structure(s) are not located in the SFHA.

- Documentation supporting the determination that the property owner and/or the project site are not eligible for CDBG-DR assistance.
- A FEMA DFIRM showing that the project's structure(s) are located in the SFHA along with a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium or a copy of the application for flood insurance.

5.3.7 Floodplain Management

Floodplain Management - Executive Order 11988, particularly section 2(a); 24 CFR Part 55

Background

HUD regulation 24 CFR 55 implements EO 11988 “Floodplain Management” which requires federal activities to “avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” EO 11988 was created to reduce the risk of flood loss; to minimize the impact of floods on human safety, health and welfare; and to restore and preserve the natural and beneficial values served by floodplains. Projects located within a SFHA are subject to EO 11988. EO 11988 requires agencies to follow an eight-step decision-making process for projects within the SFHA to assure alternatives are considered and guidelines are met.

Per 24 CFR 55.12(b)(2), the eight-step decision-making process does not apply to minor repairs or improvements on single-family properties. Minor repairs/improvements are defined as repairs/improvements that do not meet the definition of substantial improvement (see definition of substantial damage/improvement below).

FEMA designates floodplains which are published in the form of Digital Flood Insurance Rate Maps (DFIRMs, available at <http://fris.nc.gov/fris/>) under FEMA’s NFIP. For single-family housing (a non-critical activity [see definition of critical activity below]), all areas within the limits of the 100-year floodplain (defined below) as designated on the DFIRMs are considered SFHAs.

Selected Definitions

100-Year Floodplain - The area subject to inundation from a flood having a one percent (1 percent) chance of occurring in any given year. The 100-year floodplain is designated on DFIRMs under FEMA regulations as Zones A, AE, A1-A30, AH, AO, and AR. ***The 100-year floodplain is equivalent to the SFHA for single-family housing.***

500-Year Floodplain - The area subject to inundation from a flood having a 0.2 percent (0.2 percent) chance of occurring in any given year. The 500-year floodplain is designated on DFIRMs under FEMA regulations as Zone B or a shaded Zone X. The 500-year floodplain is the floodplain of concern for critical actions (defined below). ***Since single-family housing is a non-critical action, floodplain management regulations do not apply to single-family housing projects located in the 500-year floodplain.***

Base Flood - A term used in the FEMA NFIP to indicate the minimum size flood to be used by a community as a basis for its floodplain management regulations. The base flood is presently defined by regulation to be that flood which has a one percent (1 percent) annual chance of being equaled or exceeded in any given year. ***For non-critical actions such as single-family housing, the base flood is also known as a 100-year flood or a 1 percent annual chance flood.***

Base Flood Elevation (BFE) - (1) The height in relation to mean sea level (MSL) expected to be reached by the waters of the base flood at specific points in the floodplain areas. (2) The elevation for which there is

a 1 percent chance in any given year that flood levels will equal or exceed it. (3) The elevation shown on the DFIRMs for Zones A, AE, A1-A30, AH, AO, and AR that indicates the water surface elevation resulting from a flood that has a 1 percent or greater chance of being equaled or exceeded in any given year. The BFE is generally based on statistical analysis of stream flow records for the watershed and rainfall and runoff characteristics in the general region of the watershed, and application of hydraulic backwater models.

Coastal High Hazard Area - The area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The coastal high hazard area is designated on DFIRMs under FEMA regulations as Zones V1–30, VE, or V. ***There are no coastal high hazard areas in Wayne County.***

Critical Action - Any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property. With respect to housing, critical actions include activities that create, maintain or extend the useful life of those structures or facilities that are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events (e.g., persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers). Housing for independent living for the elderly is not considered a critical action. ***Since single-family housing is not a critical action, there are no floodplain management requirements for single-family housing projects located in the 500-year floodplain (a.k.a, 0.2 percent annual chance flood), shown on DFIRMs as Zone B or a shaded Zone X.***

Floodway or Regulatory Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

SFHA - The portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards. In Wayne County, SFHAs are shown on DFIRMs as Zones A, AE, A1-A30, AH, AO, and AR for riverine floodplain areas (see **Figure 10** in **Appendix A** showing the SFHA in Wayne County). ***There are no coastal high hazard areas (Zones V, VE, and V1-V30) in Wayne County.***

Substantial Damage/Improvement - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its “before damaged” condition would equal or exceed 50 percent of the market value of the structure before the damage occurred is classified as substantial damage. All structures that are determined to be substantially damaged are automatically considered to require substantial improvements [as defined in 24 CFR 55.2(b)(8)], regardless of the actual repair work performed. If the structure is substantially damaged, then the structure must be elevated.

Restrictions on HUD Financial Assistance Relevant to Single-Family Housing Projects

Except for actions listed in 24 CFR 55.12(c), 24 CFR 55.1(c) states that **no HUD financial assistance** may be approved for the following:

1. Any action, other than a functionally dependent use, located in a floodway.
2. Any critical action located in a coastal high hazard area.

3. Any non-critical action located in a coastal high hazard area, unless the action is a functionally dependent use, existing construction (including improvements), or reconstruction following destruction caused by a disaster. If the action is not a functionally dependent use, the action must be designed for location in a coastal high hazard area (V-zone compliant).

Single-family housing is not a critical action, and there are no coastal high hazard areas in Wayne County; therefore, the only restriction regarding HUD financial assistance applies to projects located in the floodway.

If any portion of the project property is located within a floodway, and all or part of the single-family home is located in the 100-year floodplain, HUD financial assistance cannot be provided unless the property is being acquired for buyout. However, if the entire single-family home is located outside the 100-year floodplain and the project complies with certain conditions outlined in the incidental floodplain exception in 24 CFR 55.12(c)(7), HUD financial assistance may be provided.

Under 24 CFR 55.12(c)(7), a site containing a floodway may be eligible for HUD financial assistance where *“an incidental portion of [the site] is situated in an adjacent floodplain, including the floodway or Coastal High Hazard Area, or wetland, but only if:*

- (i) The proposed construction and landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seeding, or other similar activities) do not occupy or modify the 100-year floodplain (or the 500-year floodplain for critical actions) or the wetland;*
- (ii) Appropriate provision is made for site drainage that would not have an adverse effect on the wetland; and*
- (iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland.”*

Applicability of the Programmatic Eight-Step Compliance Process Document

As described in **Section 3**, a Programmatic Eight-Step Compliance Process Document (see **Appendix C**) was developed for the NC Rebuild Program. The Programmatic Eight-Step Compliance Process Document covers Proposed Actions 1, 2, 3, and 7 for properties that are located in the SFHA and are substantially-damaged.

For properties located in the SFHA in Wayne County, the Programmatic Eight-Step Compliance Process Document found that providing CDBG-DR financial assistance to property owners for repair/rehabilitation, elevation, and reconstruction/replacement of their substantially-damaged single-family homes was the best alternative. To reach this conclusion, the Programmatic Eight-Step Compliance Process Document considered the adverse impacts associated with the continued occupancy of the SFHA, mitigation measures such as elevation and flood resistant construction standards to minimize those adverse impacts, and practicable alternatives. The eight-step decision-making process is, therefore, considered complete for projects classified as Proposed Actions 1, 2, 3, and 7. As stated above, minor repairs or improvements on single-family properties (a subset of Proposed Actions 1 and 7) are exempt from the requirements of the eight-step decision-making process [24 CFR 55.12(b)(2)] and are, therefore,

exempt from the mitigation measures identified in the Programmatic Eight-Step Compliance Process Document.

The Programmatic Eight-Step Compliance Process Document does not cover Proposed Actions 4, 5, or 6, which could involve land disturbance outside of the pre-storm building footprints. Compliance with EO 11988 and the eight-step decision-making process must be performed on a site-by-site basis for projects classified as Proposed Actions 4, 5, and 6.

Programmatic Elevation Requirement

Per Section VI, Paragraph B of the November 21, 2016, Federal Register Notice FR-5989-N-01 (as referenced in the January 18, 2017, Federal Register Notice FR-6012-N-01 that allocated CDBG-DR funds to North Carolina for Hurricane Matthew recovery efforts), homes that are substantially damaged and receiving CDBG-DR funding for repair/rehabilitation or reconstruction must be elevated with the lowest floor (including the basement) at least two feet above the BFE. If Wayne County or local flood damage prevention ordinances include more stringent elevation requirements, homes must be elevated in accordance with the more stringent requirements of these ordinances.

Homes that are not substantially damaged are not required to be elevated.

All proposed actions will require site-specific review. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.

Site-Specific Review Determination Process

The state's approach to address floodplain management on a site-specific basis is summarized below. This site-specific review approach applies to all proposed actions.

For each applicant property, the location of the property will be compared to the FEMA DFIRMs, available at <http://fris.nc.gov/fris/>. A FEMA DFIRM map showing the project location will be appended to the Tier 2 Site-Specific Review Checklist showing the following:

- The property is located outside the SFHA. There are no expected impacts to the floodplain. The requirements of EO 11988 have been met, and the review is concluded.
- If any portion of the property is located in the floodway:
 - ✓ The property is not eligible for CDBG-DR funding unless the incidental floodplain exception in 55.12(c)(7) applies or the property is being acquired for buyout (Proposed Action 5).
 - ✓ If the single-family home and any areas expected to be impacted by the proposed action are located completely outside the SFHA, there are no expected impacts to the floodplain. The requirements of EO 11988 have been met, and the review is concluded.
- If any portion of the property is located in the SFHA, evaluation with respect to floodplain management is required.

For project sites for Proposed Actions 4, 5, and 6 that are located in the SFHA, a site-specific eight-step

decision-making process will be prepared in accordance with 24 CFR 55.20, including publication of early and final public notices. Documentation of the site-specific eight-step decision-making process will be appended to the Tier 2 Site-Specific Review Checklist.

For project sites for Proposed Actions 1, 2, 3, and 7 that are located in the SFHA, the Programmatic Eight-Step Compliance Process Document applies to the extent that it is applicable. For Proposed Actions 1 and 7, the state will review the repair/rehabilitation damage assessments to determine if the proposed action involves only minor improvements (i.e., the cost of the rehabilitation is less than 50 percent of the structure's pre-storm market value). Proposed Actions 2 and 3 will be presumed to meet the requirements for substantial damage/improvement.

If the Proposed Action 1 or 7 constitutes minor improvements, the home will not require elevation; however, the homeowner must maintain flood insurance on the property in accordance with NFIP into perpetuity.

If the Proposed Action 1 or 7 constitutes substantial improvement, or if a Proposed Action 2 or 3 is being proposed, the state will ensure that the following mitigation measures are incorporated into the repair/rehabilitation or reconstruction/replacement plans (including those for mobile homes), and implemented, in accordance with the Programmatic Eight-Step Compliance Process Document:

- Elevation of the home such that the lowest floor (including the basement) is at least two feet above the BFE, or in accordance with the elevation requirements of the county or local flood damage prevention ordinances if they are more stringent. Home elevation must also comply with accepted practices specified in North Carolina EO 123.
- Implementation of flood resistant construction requirements in accordance with 44 CFR 60.3 and North Carolina EO 123 Section 9 as follows:
 - ✓ Shall be designed (or modified) and anchored as to prevent flotation, collapse, or lateral movement of the structure (including mobile homes).
 - ✓ Shall be constructed with materials and utility equipment resistant to flood damage.
 - ✓ Shall be constructed by methods and practices that minimize flood damage.
 - ✓ Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding.
 - ✓ Replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
 - ✓ Replacement sanitary sewer systems shall be located and constructed to minimize infiltration of flood waters into the systems and discharges from the systems into flood waters.
- Best management practices are employed throughout the construction process to minimize potential indirect impacts to surrounding areas in the SFHA.

- Property owners maintain flood insurance on the property in accordance with NFIP into perpetuity.

The state will require that the Applicant obtain a floodplain development permit and provide a copy of the elevation certificate to document compliance with the elevation requirement.

The floodplain management review for each property will be documented in the Tier 2 Site-Specific Review Checklist.

5.3.8 Historic Preservation

National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800, Protection of Historic Properties

All activities must comply with Section 106 of the National Historic Preservation Act (NHPA) per the implementing regulations (36 CFR 800). Compliance with Section 106 will be achieved through the procedures in *Community Development Block Grant Disaster Recovery Programmatic Agreement (PA)* between the North Carolina Department of Natural and Cultural Resources/State Historical Preservation Office (SHPO), NCDOC, and the North Carolina Department of Public Safety/Division of Emergency Management (NCEM) (see **Appendix B.3**). The PA provides a procedure for property reviews which includes identifying actions that can be excluded from SHPO review, as defined in Appendix A of the PA. Actions that can be excluded under the PA Tier 2 review for archaeology are limited to activities where there is no ground disturbing activity or the ground-disturbing activity is limited to the specific excluded activities in Sections 1 and 2 of Appendix A of the PA. Actions that can be excluded under the PA Tier 2 review for historic preservation are limited to non-brick and mortar activities and the specific excluded activities in Section 3 of Appendix A of the PA. The SHPO will make these determinations of exclusion.

In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The Responsible Entity will consult with the SHPO or the Tribal Historic Preservation Officer and Tribes. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the NHPA.

Site-specific review should be conducted for all Proposed Actions. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist. In the case of Proposed Action 7, site-specific review may be completed to bring previously-completed work into compliance with SHPO requirements.

Site-Specific Review Determination Process

The approach to address historic preservation on a site-specific basis is summarized below:

- Site-specific review should be conducted by a qualified professional (i.e., an individual meeting the Secretary of the Interior's professional qualifications for archaeology and history or historic

preservation) for Proposed Actions 1 through 7 for archaeology and historic architecture. A “SHPO Data Transfer Form” will be completed by the qualified professional and submitted by the Responsible Entity to SHPO for review. ALL properties requesting assistance, regardless of assumed age, ground disturbance, etc. must undergo SHPO review. As part of the review process, SHPO will assign each property a unique tracking number. Following review, SHPO will make one of two determinations:

- ✓ The property in question is determined historic or potentially historic. The SHPO requests additional information about the property from the Responsible Entity (i.e. information about proposed treatment, photographs, etc.)
- ✓ The property in question is determined not historic and consultation is complete.
- ✓ SHPO will report their findings to the Responsible Entity through a written memo.
- For archaeology, if the site meets the qualifying criterion of “profound disturbance” (i.e., a past activity or activities have physically altered the three-dimensional site in its entirety to the point where there is no potential for an archaeologically significant property to remain), or if the project is included on the list of “Specific Excluded Activities” in Appendix A, Section 2 of the PA (see **Appendix B.3**), then no further coordination with SHPO is required. The SHPO will make this determination after receiving completed “SHPO Data Transfer Form” and any requested additional information from the Responsible Entity. SHPO will review the proposed action and project site to determine if archaeological resources are likely to be affected by the proposed action.
 - ✓ If there is no likelihood for archaeological resources to be affected, the SHPO will document that finding on the “SHPO Data Transfer Form.”
 - ✓ If there is a likelihood that archaeological resources will be affected, the SHPO, in consultation with the Office of State Archaeology (OSA), will determine what work is necessary to identify and evaluate the significance of the archaeological resources and will provide “Recommendations to Responsible Entity on Archaeological Survey or Testing” on work needed to evaluate the archaeological resources.
 - ✓ The recommended survey/testing will be completed and submitted to SHPO for review. SHPO, in coordination with OSA, will determine the eligibility of the resource.
 - ✓ If the resource is deemed eligible for the National Register of Historic Places (NRHP), SHPO and OSA will determine the effect of the proposed action and complete the “Finding of Effect Form.”
 - ✓ If the resource cannot be avoided and would be adversely affected, consulting parties to the PA will coordinate to resolve the adverse effect.
- For historic architecture, the project will not require coordination with SHPO if it does not include a building of any type that is more than 45 years old or that is located within, adjacent to, or within the view shed of a listed or potentially eligible National Register Historic District. In addition, if the project is included on the list of “Specific Excluded Activities” in Appendix A, Section 3 of the PA (see **Appendix B.3**), then no coordination with SHPO is required. The SHPO will make this determination after receiving the completed “SHPO Data Transfer Form.” SHPO will review the

form and determine if the property is listed in, is, or may be eligible for listing in the NRHP (e.g., a Historic Property).

- ✓ If the property is not historic, the SHPO will document on the “SHPO Data Transfer Form” that No Historic Property is present and no further review is necessary.
- ✓ If the property is or may be Historic, the SHPO will request additional information from the Responsible Entity (i.e. information about the proposed treatment, photographs, etc.) to determine the effect of the proposed action and document the effect on the “Finding of Effects Form.”
- ✓ If the effect is adverse, then SHPO will determine if one or more of the Standard Treatment Measures outline in Appendix C of the PA will avoid or mitigate the adverse effect and document that use of the Standard Treatment(s) is acceptable.
- ✓ If SHPO determines that use of a Standard Treatment Measures is not acceptable and the property will be adversely affected, then the consulting parties to the PA will coordinate to resolve the adverse effect.

5.3.9 Noise Abatement and Control

24 CFR 51, Subpart B, Noise Abatement and Control

The provision at 24 CFR 51.101(a)(3) addresses new construction (not to be confused with rehabilitation or reconstruction) and states that “HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with unacceptable noise exposures (above 75 dB) and is discouraged for projects with normally unacceptable noise exposure (65 dB to 75 dB).” 24 CFR 51.101(a)(4) addresses existing construction and land acquisition (as may be required for the Program) and states that “Noise exposure by itself will not result in the denial of HUD support for the resale and purchase of otherwise acceptable existing buildings.” The provision at 24 CFR 51.101(a)(5) addresses rehabilitation (including reconstruction) and states for major or substantial rehabilitation projects in the normally unacceptable and unacceptable noise zones, HUD actively shall seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.”

HUD noise criteria and standards, as addressed at 24 CFR 51.103, include measurement of external noise environments, loud impulsive sounds, and exterior standards.

The state intends to lessen the likelihood of future storm event damage by requiring the program to build to the prevailing building code standards adopted and in use by the global community or local codes, whichever is more conservative. Standards include the use of materials and construction techniques that incorporate noise attenuation features. All houses will be built or rehabilitated with an industry-standard requirement for noise attenuation. Houses in normally unacceptable noise zones will have additional noise attenuating construction practices included in the construction.

General applicability to the program is as follows:

- New Construction – not allowed in unacceptable noise zones (as defined in 24 CFR 51.103) and allowed in normally unacceptable noise zones (as defined in 24 CFR 51.103) only with state and HUD approval.
- Rehabilitation or Reconstruction– in accordance with 24 CFR 51.101(a)(4), noise exposure will not result in the removal of the applicant from the program based on environmental review factors.
- Rehabilitation and Reconstruction – activity will be allowed in all noise exposure areas in houses to be rehabilitated or reconstructed in the same previously disturbed footprint as the damaged and removed structure. However, noise attenuation features should be included, if applicable, in all alterations or construction activities.

Proposed Actions 5 and 7 do not involve a noise sensitive use; therefore, no further review is needed. Proposed Actions 1, 2, and 3 are not new construction; therefore, no further review is needed.

For Proposed Actions 4, and 6, which involve new construction, if the project location is within 1,000 feet of a major highway, 3,000 feet of a railroad, or 15 miles of a military or regulated FAA airfield, site-specific evaluation will be required. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.

Site-Specific Review Determination Process

The approach to address noise abatement and control on a site-specific basis is summarized below:

- Proposed Actions 5 and 7 do not involve a noise sensitive use, and Proposed Actions 1, 2, and 3 do not involve new construction; therefore, the review is concluded.
- For Proposed Actions 4 and 6, if the project location is not within 1,000 feet of a major highway, 3,000 feet of a railroad, or 15 miles of a military or regulated FAA airfield, the review is concluded.
- For Proposed Actions 4 and 6, if the project location is within 1,000 feet of a major highway, 3,000 feet of a railroad, or 15 miles of a military or regulated FAA airfield, an assessment will be completed by calculating a day-night average sound level (DNL) in decibels.
 - ✓ Noise levels that do not exceed 65 DNL are considered acceptable and the review is concluded.
 - ✓ Noise levels that exceed 65 DNL but do not exceed 75 DNL are considered normally unacceptable. For Proposed Action 4 and 6 sites, noise attenuation will be required. Approvals in this noise zone may require a minimum of 5 dB additional sound attenuation for buildings having noise-sensitive uses, if the day-night average sound level is greater than 65 DNL but does not exceed 70 DNL. The reduction of interior noise levels will be achieved by incorporating noise attenuating materials and requirements to mitigate the noise into the design of the home.
 - ✓ Noise levels that exceed 75 DNL are considered unacceptable, and CDBG-DR assistance for applicants for Proposed Actions 4 and 6 is prohibited if noise levels exceed 75 DNL.

5.3.10 Wetlands Protection

24 CFR Part 58, Executive Order 11990, Rivers and Harbors Appropriation Act of 1899, 15A NCAC 2B .0231

A permit from USACE is required for any repair, reconstruction and/or elevation of structures located over waters in the United States as stated by the Rivers and Harbors Appropriation Act of 1899. The Clean Water Act furthermore gives the USEPA the authority to prohibit repair or construction that can impact water quality or have an adverse consequence on the environment, as stated in Section 401. Section 404 of the Clean Water Act gives the USACE the authority to provide permits for construction activities within waterways and wetlands. In addition to federal wetlands policies, North Carolina has implemented a wetland draining policy, which extends to situations not covered under federal wetlands rules. The NCDEQ Division of Water Resources (DWR) examines wetland drainage activities for compliance with the state's wetland water quality standards, particularly those for hydrologic conditions necessary to support wetlands function (15A NCAC 2B .0231[b][5] and biological integrity (15A NCAC 2B .0231[b][6]). The NCDEQ DWR also regulates activities within 50 feet of rivers and streams in order to maintain and protect existing riparian buffers in the Neuse River basin.

Proposed Actions 1, 2, and 3 include repair, reconstruction and/or the elevation of structures in the original footprint on a previously-disturbed footprint; Proposed Action 5 includes acquisition and demolition of an existing structure; and Proposed Action 7 is financial assistance only. It is not expected that there will be any permanent or indirect impacts to wetlands as a result of these project activities. For Proposed Actions 4 and 6, there could be construction in previously-undisturbed areas that could impact jurisdictional water resources. If warranted, a certified wetland scientist will perform an individual site-specific delineation to determine if wetlands may be impacted by the proposed action and any activity in a wetland would be mitigated in accordance with requirements from USACE. Construction activities determined to have any impact, temporary or permanent, will require a review and permit from the NCDEQ and the USACE.

Proposed Actions 1, 2, 3, and 7 are not expected to permanently or indirectly impact wetlands, therefore no further review is needed. Proposed Actions 4, 5, and 6 will require site-specific review. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.

Site-Specific Review Determination Process

The approach to address wetland protection on a site-specific basis is summarized below:

- Proposed Actions 1, 2, 3, and 7 do not involve activities on previously-undisturbed sites; therefore, the review is concluded.
- For Proposed Actions 4, 5, and 6, the site will be reviewed to determine if there are potentially jurisdictional water resource on the site. Potential for presence of wetlands will be determined based on desktop research and visual site observation to determine if any of the technical criteria relating to soils, vegetation, and hydrology are present to support a wetlands determination or if non-wetland waters such as streams or ponds are present. Desktop research will include, as warranted, review of available mapping information from the U.S. Fish and Wildlife Service

National Wetland Inventory and the National Resource Conservation Service soil survey, topographic maps from the U.S. Geologic Survey, and aerial photographs.

If potential jurisdictional features are identified on a site, a visual site inspection should be made by a certified wetland scientist, and if jurisdictional features are confirmed, then USACE and NCDWR should be consulted.

- For Proposed Actions 4, 5, and 6, it should also be noted if the site is within a watershed that is subject to state riparian buffer rules.

5.3.1 Wild and Scenic Rivers

Wild and Scenic Rivers Act [16 U.S.C. 1271 et seq.] as amended, particularly Sections 7[b] and [c], 16 U.S.C. 1278[c] and [c]; North Carolina Natural and Scenic Rivers Act of 1971, G.S. § 143B 135.140 et seq.

HUD-assisted projects are subject to the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.). The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System in 1968 to protect selected rivers in a free-flowing condition and to recognize their importance to our cultural and natural heritage. The Act prohibits federal support for water resources projects such as the construction of dams or other on-stream activities that would harm a designated river's free-flowing condition, water quality, or outstanding resource values. Activities require review by the National Park Service (NPS) only if they would disturb the bed or bank of a designated river.

The North Carolina Division of Parks & Recreation manages State Natural and Scenic Rivers established under the North Carolina Natural and Scenic Rivers Act of 1971. North Carolina G.S. § 143B 135.172 restricts the construction of any water resources project such as a dam, water conduit, reservoir, powerhouse transmission line, or any other project works on or directly affecting any river that is designated as a component or potential component of the State Natural and Scenic Rivers System.

There are no Federal Wild and Scenic Rivers or State Natural and Scenic Rivers in Wayne County (sources: <https://www.rivers.gov/map.php>; map provided by the North Carolina Division of Parks and Recreation).

The NRI (<https://www.nps.gov/ncrc/programs/rtca/nri/index.html>) is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential Directive, and related Council on Environmental Quality procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. NRI rivers in Wayne County are listed in Table 5-5 and shown on **Figure 11 in Appendix A**.

Table 5-5. Nationwide Rivers Inventory List, Wayne County, North Carolina

Nationwide Rivers Inventory	
River	Reach
Neuse River	RM 88, above Kingston, to RM 199, below Bridges Lake.

The proposed program activities will not involve water resource projects or any work on or directly affecting any river on the NRI, nor will they result in significant adverse impacts to the values for which the listed rivers were designated. The proposed activities will be confined to residential lots, and will not directly disturb the bed or banks of these rivers. However, proposed activities that could result in removal of vegetation or new land disturbance in proximity to these rivers should incorporate BMPs to protect these resources.

Because physical activities have already been undertaken for Proposed Action 7, it is no longer possible to implement mitigation measures; therefore, review related to NRI rivers is concluded for Proposed Action 7. **Proposed Actions 1 through 6 will require site-specific evaluation. The relevant findings for each site will be documented in the Tier 2 Site-Specific Review Checklist.**

Site-Specific Review Determination Process

In a communication with NPS on June 13, 2017, the NPS stated that: "All construction activities occurring on or adjacent to a federally designated Wild and Scenic River or on a river listed on the NRI should take care to avoid any unnecessary clearing of native riparian vegetation such that the local scenery remains intact. Further, for all projects where construction derived runoff has the potential to enter the waterway, appropriate sediment control measures should be required. Sediment control measures can include, but are not limited to, the use of straw bales and silt fences."

The approach to address NRI rivers on a site-specific basis is summarized below:

- For Proposed Actions 1 through 6, if the project location is within 100 feet of the bank of one of the river segments identified in Table 5-5, unnecessary clearing of native riparian vegetation should be avoided, and erosion/sediment control measures, also known as BMPs, must be implemented.

6.0 TIER 2 SITE-SPECIFIC STATUTORY AND ENVIRONMENTAL ASSESSMENT CHECKLISTS

Each individual site will be reviewed using the attached Tier 2 Site-Specific Review Checklist (see **Appendix D**) and Tier 2 Site-Specific Field Inspection Checklist (see **Appendix E**). All documentation for compliance factors included in the site-specific review must be completed prior to committing funds for individual sites.

6.1 Tier 2 Site-Specific Review Checklist with Guidance

The Tier 2 Site-Specific Review Checklist is included in **Appendix D**. For each site, the site-specific checklist should be completed. All steps of the environmental review process will be completely documented at the Tier 2 site-specific environmental review level before the construction activity proceeds.

6.2 Tier 2 Site-Specific Field Inspection Checklist

A site-specific field inspection checklist for use by site inspectors is included in **Appendix E**. This checklist should be completed for each site and included as an attachment to the Tier 2 Site-Specific Review Checklist.

7.0 COMBINED FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

A “Combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds” was published in the Goldsboro News-Argus on July 5, 2018, and La Conexion on July 4, 2018. The public notice, published notices, and proofs of publication are provided in **Appendix F**. The 15-day public comment period closed on July 20, 2018.

No comments were received from the public before the stated deadline of July 20, 2018.

8.0 REQUEST FOR RELEASE OF FUNDS

The Request for Release of Funds is provided in **Appendix G**.

9.0 AUTHORITY TO USE GRANT FUNDS

The Authority to Use Grant Funds is provided in **Appendix H**.

Appendix A

Figures

- Figure 1. FEMA Major Disaster Area (DR-4285)
- Figure 2. Wayne County, NC
- Figure 3. Coastal Barrier Resources System
- Figure 4. National Ambient Air Quality Standards Status
- Figure 5. CAMA Counties
- Figure 6. Sole Source Aquifers
- Figure 7. Airport Hazards
- Figure 8. Radon Zones
- Figure 9. White-Nose Syndrome Zone for Northern Long-Eared Bat
- Figure 10. Wayne County Special Flood Hazard Areas
- Figure 11. Wild and Scenic Rivers and National Rivers Inventory

Figure I. FEMA Major Disaster Area (DR-4285)

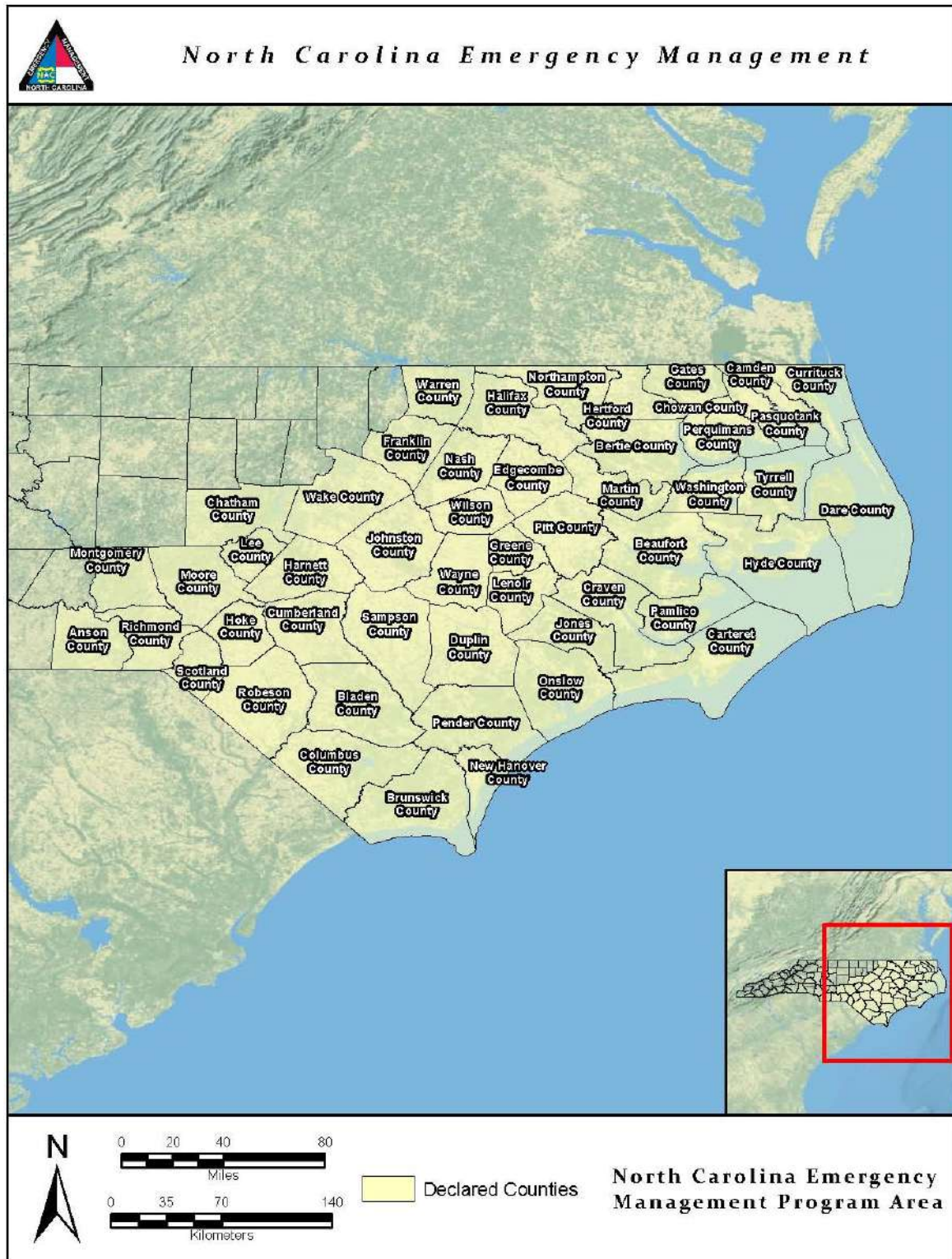


Figure 2. Wayne County, NC

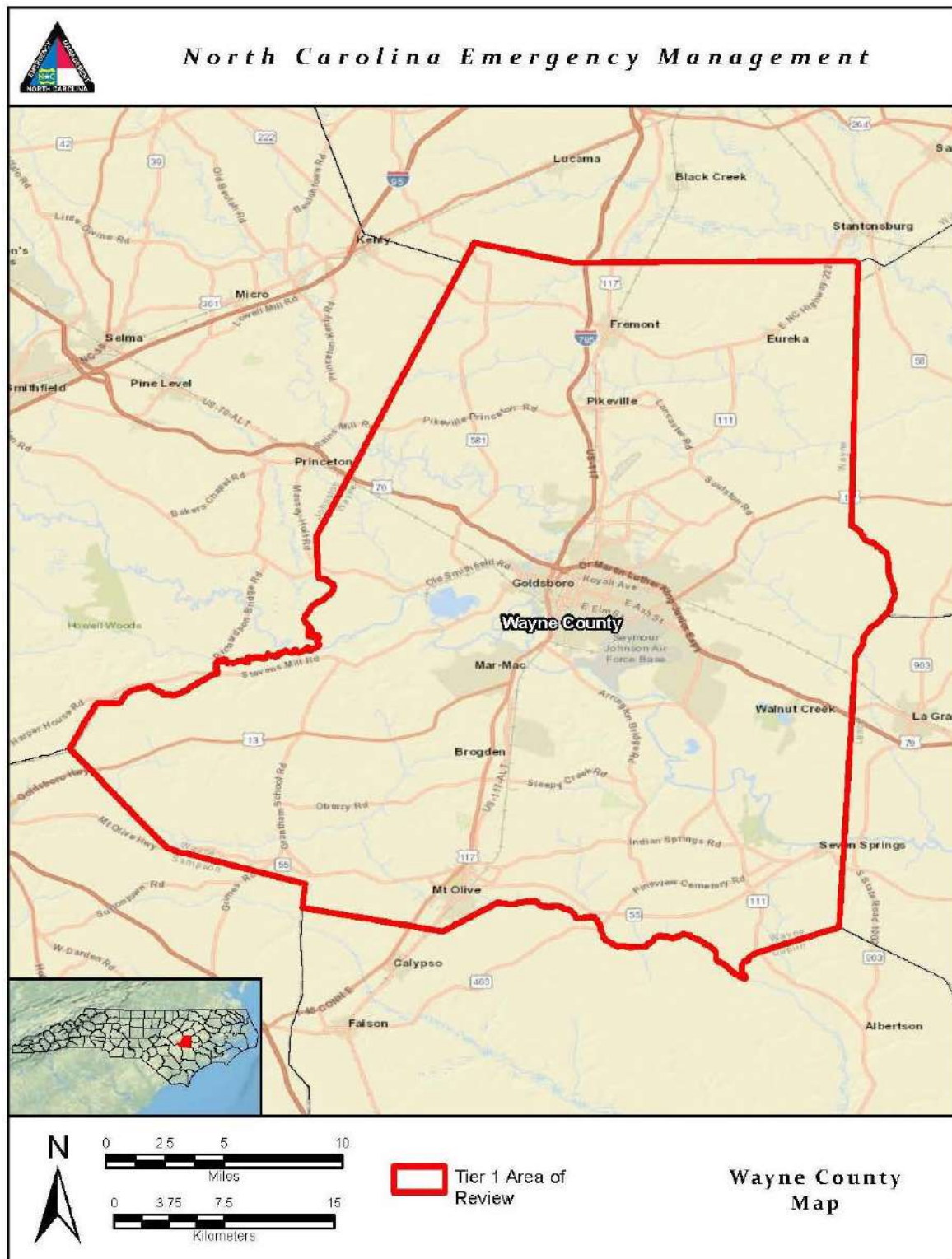


Figure 3. Coastal Barrier Resources System

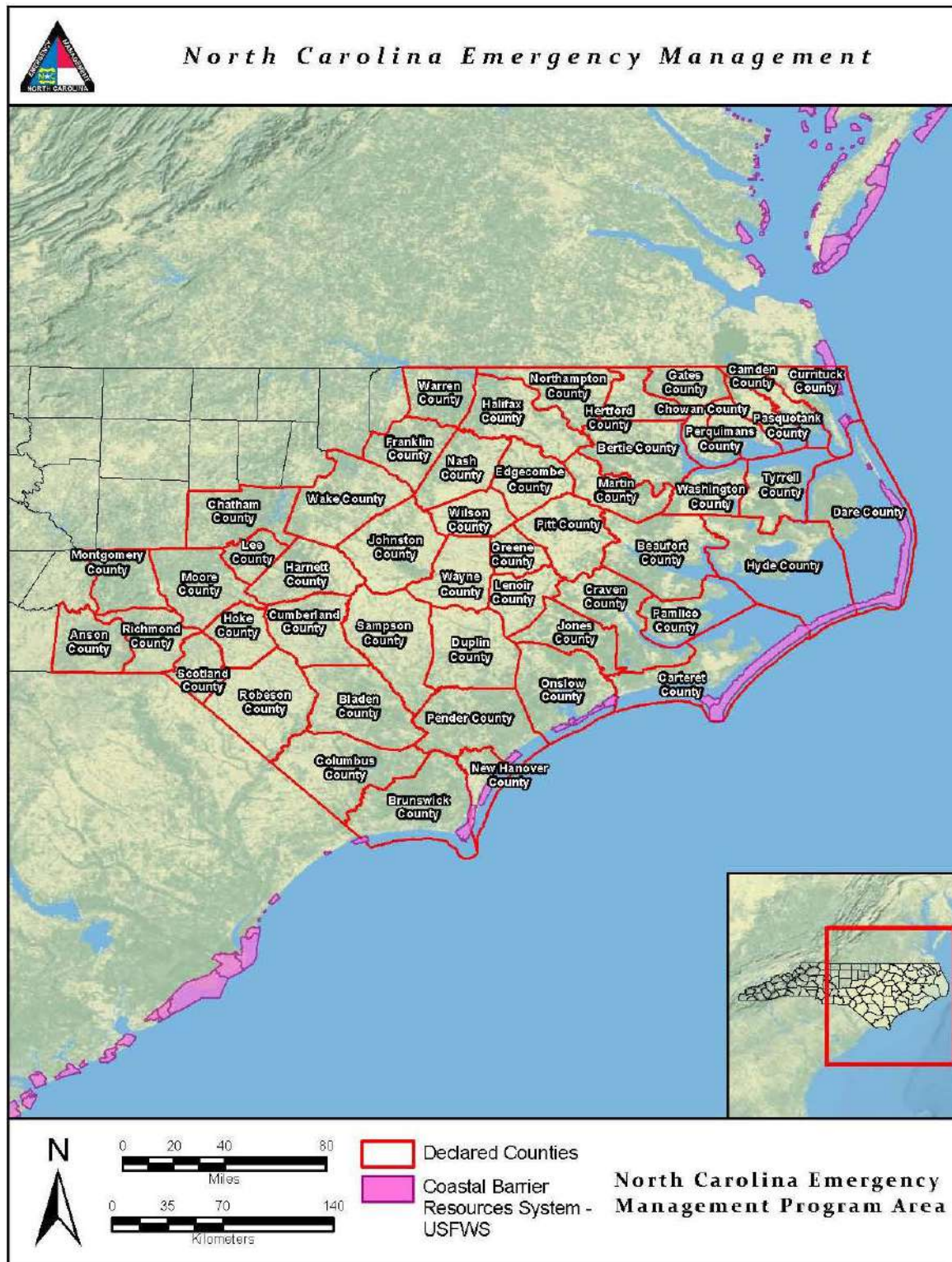


Figure 4. National Ambient Air Quality Standards Status

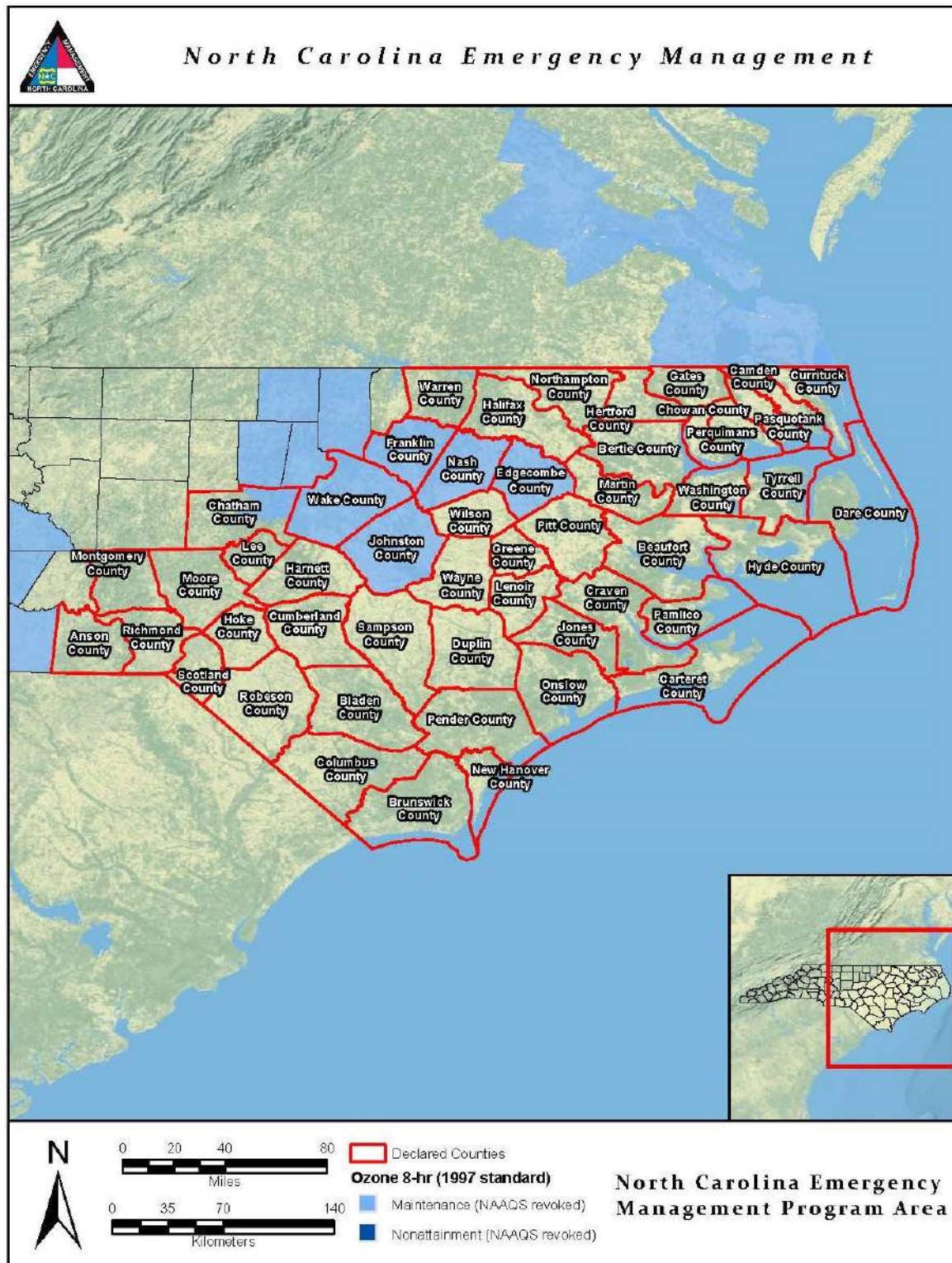


Figure 5. CAMA Counties

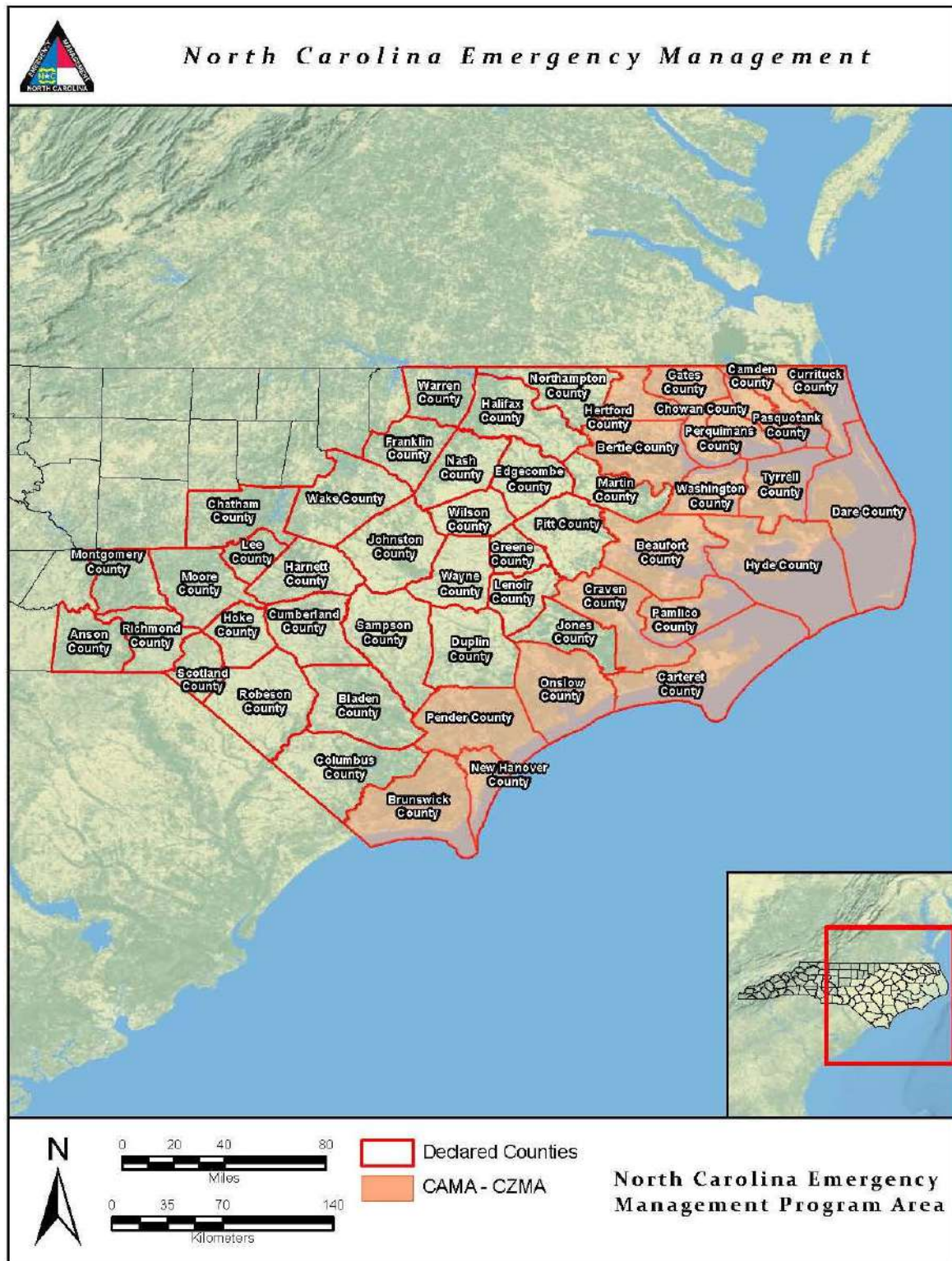


Figure 6. Sole Source Aquifers

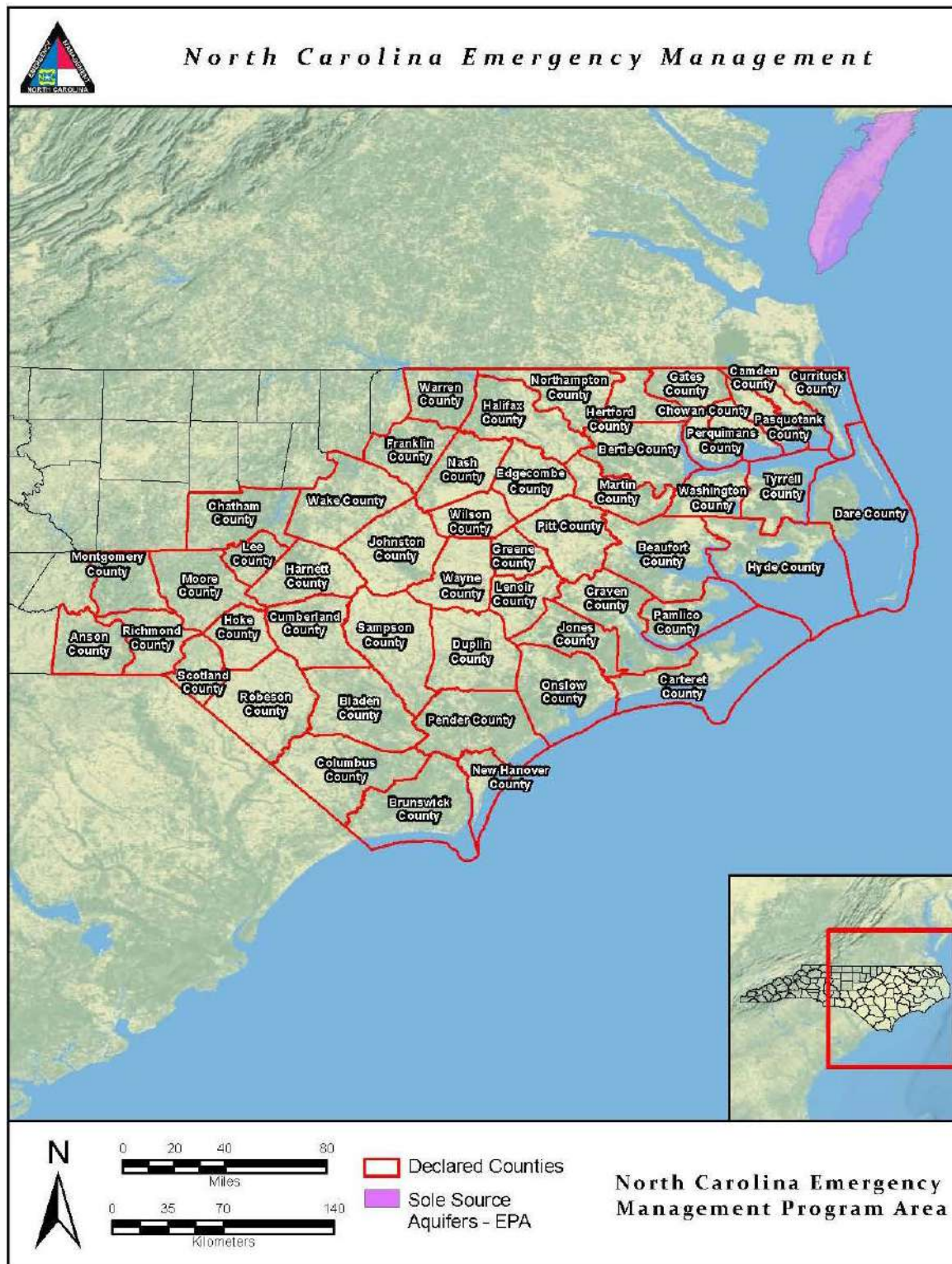


Figure 7. Radon Zones

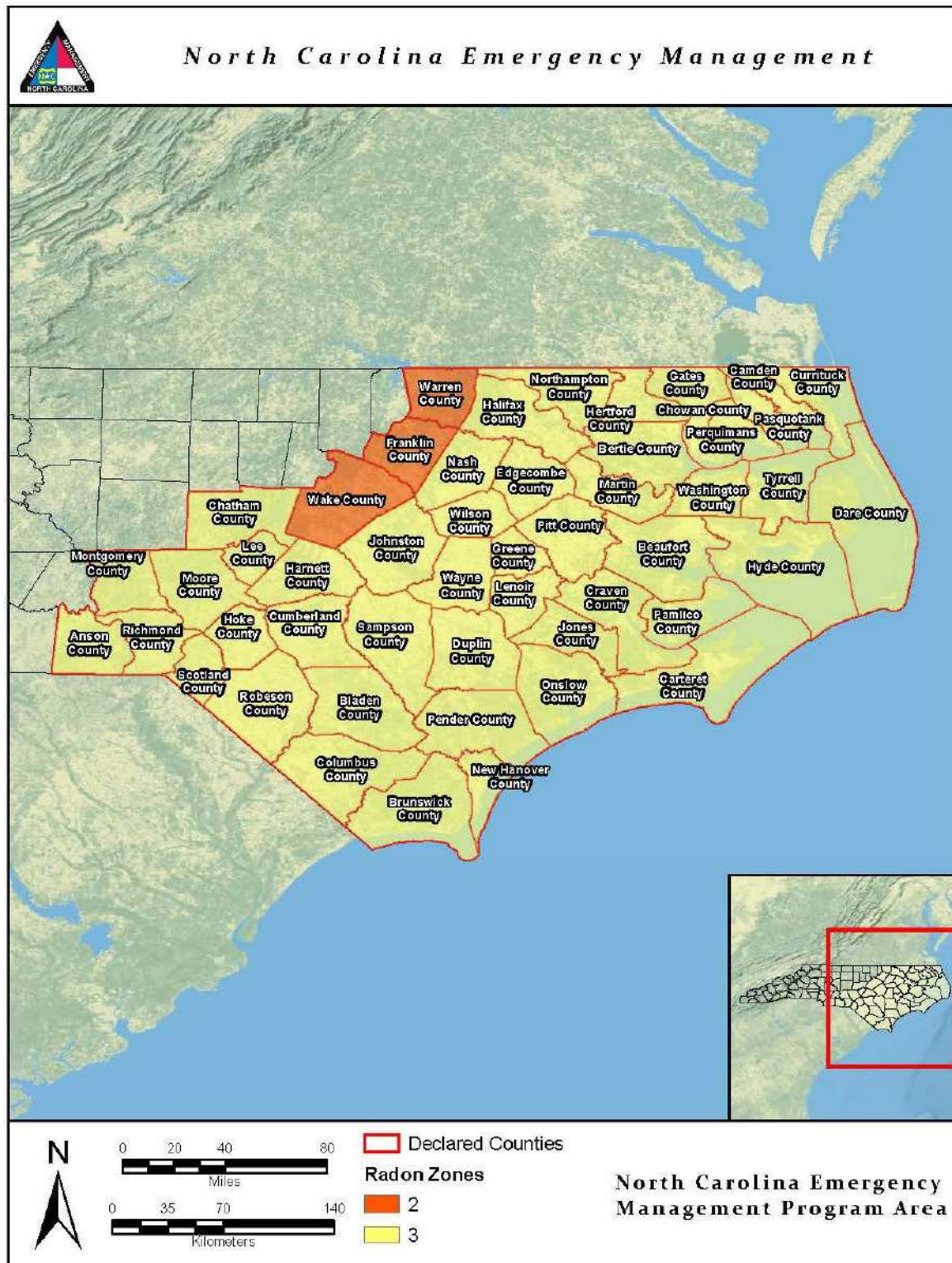


Figure 8. White-Nose Syndrome Zone for Northern Long-Eared Bat

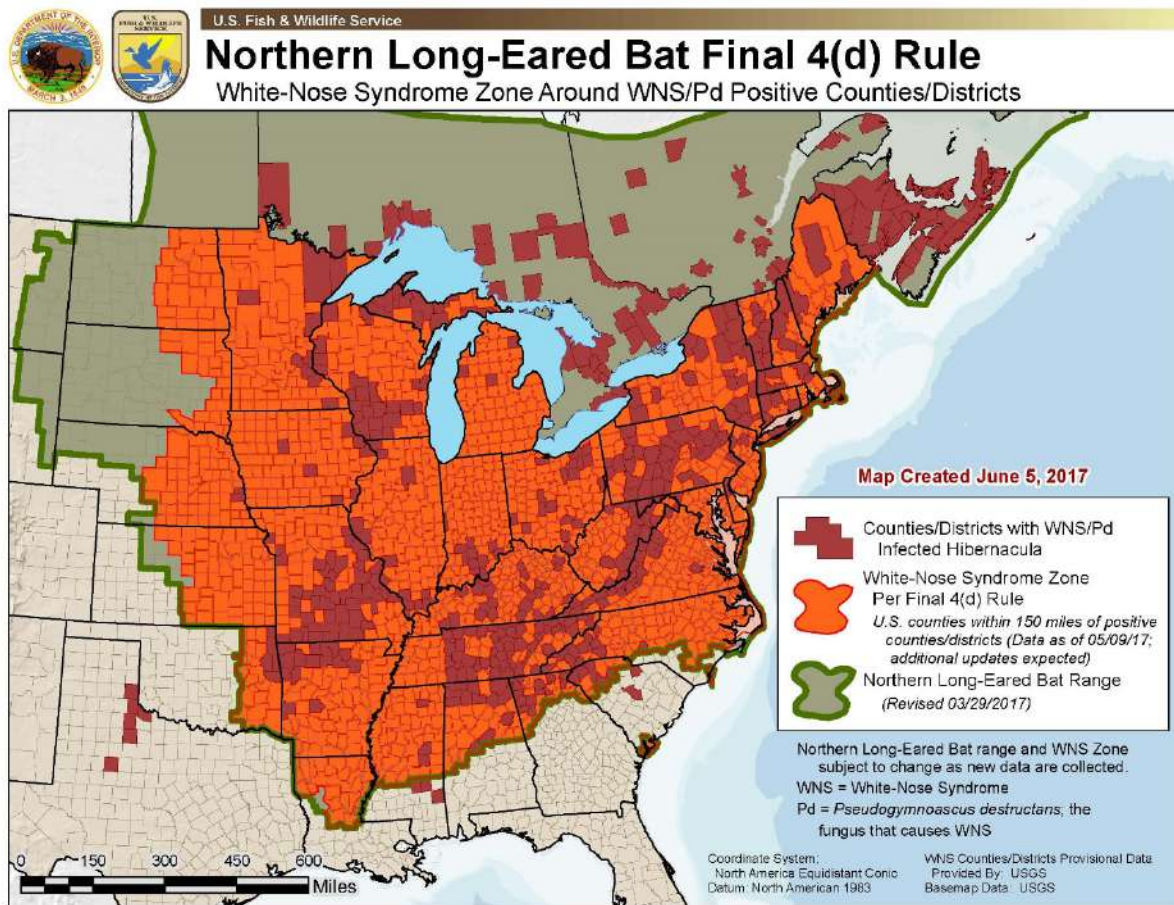


Figure 9. Wayne County Special Flood Hazard Areas

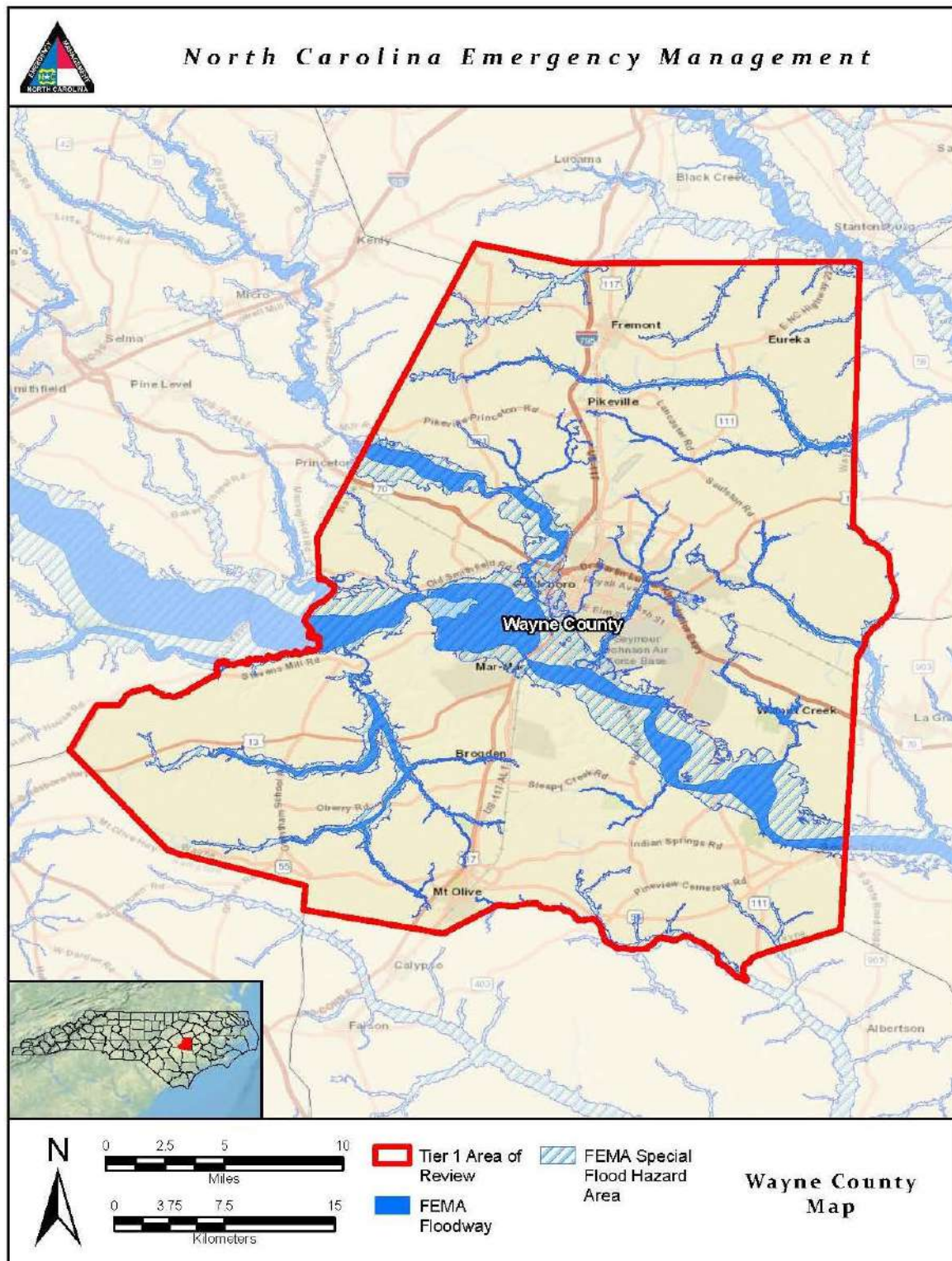
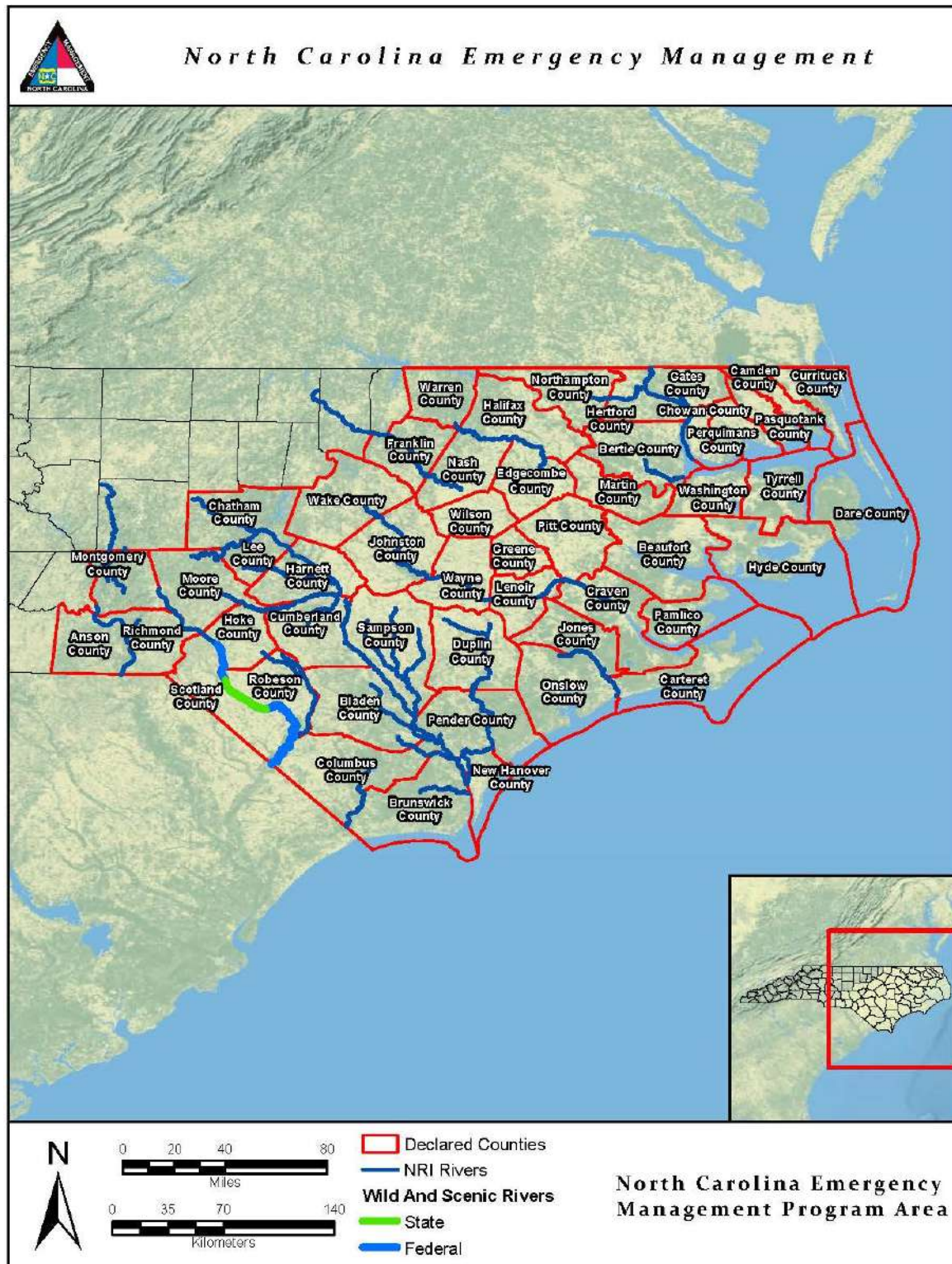


Figure 10. Wild and Scenic Rivers and National Rivers Inventory



Appendix B

Agency Consultations and Correspondence

- B.1 Agency Consultations by Compliance Factor**
- B.2 Agency Correspondence**
- B.3 Programmatic Agreement**

Appendix B.I Agency Consultations by Compliance Factor

Agency	Contact Information	Compliance Factor(s)
Federal Agencies		
U.S. Environmental Protection Agency, Region 4	Christopher A. Militscher, Chief, NEPA Program Office 61 Forsyth Street, SW Atlanta, GA 30303 Telephone: 404-562-9512 Email: militscher.chris@epa.gov	Contamination and toxic substances
National Park Service, Southeast Region	Jeffrey R. Duncan, PhD 100 West Martin Luther King, Jr. Blvd., Suite 215 Chattanooga, TN 37402 Telephone: 423-987-6127 Email: jeff_duncan@nps.gov	Wild and Scenic Rivers
U.S. Fish and Wildlife Service	John Ellis, Fish and Wildlife Biologist/Federal Project Endangered Species Act Reviewer Raleigh Field Office 551F Pylon Drive Raleigh, NC 27606 Telephone: 919-856-4520 x26 Email: john_ellis@fws.gov	Endangered species
NOAA Fisheries Service/National Marine Fisheries Service	Noah Silverman, SERO NEPA Coordinator Southeast Regional Office 263 13th Avenue South St. Petersburg, FL 33701 Telephone: 727-824-5353 Email: noah.silverman@noaa.gov	Endangered species
U.S. Army Corps of Engineers	Scott McLendon, Chief, Regulatory Division Wilmington District 69 Darlington Avenue Wilmington, NC 28403 Telephone: Email:	Wetlands
State Agencies		
North Carolina Department of Transportation, Division of Aviation	Kathryn M Vollert, P.E., Aviation Program Engineer Telephone: 919-814-0571	Airport hazards
North Carolina Department of Environmental Quality, Division of Waste Management	Michael E. Scott, Director 1646 Mail Service Center Raleigh, NC 27699-1646 Telephone: 919-707-8246 Email: michael.scott@ncdenr.gov	Contamination and toxic substances
North Carolina Department of Health and Human Services, Health Hazards Control Unit	Jeffery W. Dellinger, Industrial Hygiene Consultant Supervisor 5505 Six Forks Road Raleigh, NC 27609 Telephone: 919-707-5972 Email: jeff.dellinger@dhhs.nc.gov	Contamination and toxic substances

**NC Rebuild: Single-Family Homeowner Recovery and Rental Program
Tier I Environmental Review: Wayne County**

North Carolina Division of Parks & Recreation	Justin Williamson, Environmental Review Coordinator 1615 Mail Service Center Raleigh, NC 27699-1615 Telephone: 919-707-9329 Email: justin.williamson@ncparks.gov	Wild and Scenic Rivers
North Carolina Dept. of Agriculture and Consumer Services/Plant Conservation Program	Cheryl L. Gregory, Plant Conservation Program Administrator 1060 Mail Service Center Raleigh, NC 27699-1060 Telephone: 919-707-3760 Email: cheryl.gregory@ncagr.gov	Endangered species
North Carolina Department of Natural and Cultural Resources/Natural Heritage Program	Judith Ratcliffe, Zoologist 1651 Mail Service Center Raleigh, NC 27699-1651 Telephone: 919-707-8628 Email: judith.ratcliffe@ncdcr.gov	Endangered species
North Carolina Wildlife Resources Commission	David Cox, Technical Guidance Supervisor 1701 Mail Service Center Raleigh, NC 27699-1701 Telephone: 919-707-0366 Email: david.cox@ncwildlife.org Gabriela Garrison, Eastern Coordinator, Habitat Conservation 1721 Mail Service Center Raleigh, NC 27699-1721 Telephone: 910-409-7350 Email: gabriela.garrison@ncwildlife.org	Endangered species
North Carolina Department of Environmental Quality – Division of Water Resources	Karen Higgins, Supervisor 401 & Buffer Permitting Branch 1617 Mail Service Center Raleigh, NC 27699-1617 Telephone: Email:	Wetlands

Appendix B.2 Agency Correspondence

Shumate, Christy

From: Nora Zirps <nzirps@espassociates.com>
Sent: Wednesday, May 30, 2018 9:23 AM
To: Duncan, Jeffrey (jeff_duncan@nps.gov)
Cc: Prakash, Jagadish; Chris Ward; Shumate, Christy; Daniel.Herrera@ncdps.gov; Gagner, Michael
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - NPS
Attachments: Hurricane Matthew CDBG-DR EAs - Agency Consultation Letter - NPS.pdf

Mr. Duncan,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM
ESP Associates, Inc.
7011 Albert Pick Road, Suite E
Greensboro, NC 27409
www.espassociates.com

nzirps@espassociates.com
336.232.5213 | Direct
336.334.7724 | Office
336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 29, 2018

Mr. Jeffrey R. Duncan, PhD
National Park Service, Southeast Region
100 West Martin Luther King, Jr. Blvd., Suite 215
Chattanooga, TN 37402

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Duncan:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Cumberland, Edgecombe, and Wayne Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the National Park Service (NPS) on the need for individual designated river consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Although there are no federal wild and scenic rivers in Cumberland, Edgecombe, or Wayne Counties, each of these counties contain at least one river on the Nationwide Rivers Inventory (NRI).

It is our understanding that activities require review by the NPS only if they would disturb the bed or bank of a designated river. The single-family housing project types listed above will not involve water resource projects or any work on or directly affecting any river on the NRI, nor will they result in significant adverse impacts to the values for which the listed rivers were designated. It is unlikely that single-family housing projects receiving CDBG-DR funding will disturb the bed or banks of any river on the NRI. Therefore, we do not believe that NPS coordination or consultation is required for the site-specific environmental reviews for project locations in these counties.

If you agree with the conclusion that NPS consultation is not required for site-specific environmental reviews for project locations in Cumberland, Edgecombe, and Wayne Counties, please provide your concurrence. If you envision situations associated with certain types of single-family housing projects listed above that might warrant NPS consultation (or coordination) with regard to rivers on the NRI, please identify the specific project activities and/or conditions that would trigger the need for such consultation.

Avoidance of unnecessary clearing of native riparian vegetation such that the local scenery remains intact and implementation of erosion/sediment control measures where construction-derived runoff has the potential to enter the waterway, also known as Best Management Practices (BMPs), will be established as conditions for CDBG-DR project approvals for project sites that will involve construction activities adjacent to a river listed on the NRI. Sediment control

measures can include, but are not limited to, the use of straw bales and silt fences. If NPS recommends additional mitigation measures be considered or implemented, please identify them.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Cumberland, Edgecombe, and Wayne Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than fifteen days from receipt of this letter.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash – AECOM, Environmental Assessor
Christy Shumate – AECOM, Environmental Assessor

From: Duncan, Jeffrey
To: [Nora Zirps](#)
Cc: [Prakash Jagadish](#); [Chris Ward](#); [Shumate, Christy](#); Daniel.Herrera@ncdps.gov; [Gagner, Michael](#)
Subject: Re: [EXTERNAL] Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - NPS
Date: Wednesday, May 30, 2018 9:36:58 AM

Nora--

I concur with what's laid out in the letter. That said, please feel free to courtesy copy NPS on any site-specific information that may be beneficial. Also, please don't hesitate to reach out for further assistance related to issues that may arise on a site-specific basis. We are here to help, and to insure that NRI-listed rivers and their resources remain intact.

Please let me know if you need a more formal response or if this email will suffice for your records. Thank you again for coordinating with the NPS.

Best, Jeff

Jeffrey R. Duncan, PhD
National Park Service-Southeast Region
Science and Natural Resources Division
Fisheries and Aquatic Resources

100 West Martin Luther King, Jr. Blvd
Suite 215
Chattanooga, TN 37402
423-987-6127

On Wed, May 30, 2018 at 9:22 AM, Nora Zirps <nzirps@espassociates.com> wrote:

Mr. Duncan,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM

ESP Associates, Inc.

7011 Albert Pick Road, Suite E

Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.

Shumate, Christy

From: Shumate, Christy
Sent: Wednesday, May 30, 2018 10:41 AM
To: 'Scott.C.McLendon@usace.army.mil'
Cc: 'Wicker, Henry M Jr CIV USARMY CESAW (US)'; 'Nora Zirps'; Chris Ward; Herrera, Daniel; Gagner, Michael; Prakash, Jagadish
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - USACE
Attachments: Hurricane Matthew CDBG-DR EAs - Agency Consultation Letter - USACE.pdf

Mr. McLendon,

On behalf of the North Carolina Division of Emergency Management AECOM is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (919) 760-4030.

Thank you,
Christy

Christy Shumate, AICP
Project Manager, Planning Department, North Carolina
D +1-919-760-4030
christy.shumate@aecom.com

AECOM
701 Corporate Center Drive
Suite 475
Raleigh, North Carolina 27607
T +1-919-854-6200
aecom.com



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 29, 2018

Mr. Scott McLendon
Chief, Regulatory Division, Wilmington District
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. McLendon:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Cumberland, Edgecombe, and Wayne Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the US Army Corps of Engineers, Wilmington District (USACE) on the need for individual USACE wetlands consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with USACE. We would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment. For example, for types of projects that may require wetlands consultation, please identify the specific conditions that would trigger the need for consultation with the goal of limiting the number of required consultations to the situations that warrant such consultation.

For project types 1, 2, 3, and 7 listed above, site-specific consultation for wetlands does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed. Although project types 4 through 6 may possibly impact wetlands and thus require site-specific USACE consultation, this is only the case if wetlands are potentially present. For project types 4 through 6, we suggest that only those project sites that potentially have wetlands present be submitted to USACE for consultation. Potential for presence of wetlands will be determined based on desktop research and visual site observation to determine if any of the technical criteria relating to soils, vegetation, and hydrology are present to support a wetlands determination or if non-wetland waters such as streams or ponds are present. Desktop research will include, as warranted, review of available mapping information from the US Fish and Wildlife Service National Wetland Inventory and the National Resource Conservation Service soil survey, topographic maps from the US Geologic Survey, and aerial photographs. Visual site observation by a qualified professional will be made of each property to identify the presence of standing water or other obvious wetland conditions. Please provide your concurrence with this approach for site-specific environmental assessments or modify as appropriate.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Cumberland,

Edgecombe, and Wayne Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than fifteen days from receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Herrera', with a long horizontal flourish extending to the right.

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash – AECOM, Environmental Assessor
Christy Shumate – AECOM, Environmental Assessor



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403

June 4, 2018

Regulatory Division

CDBG Disaster Recovery
Attn: Mr. Daniel Herrera, Environmental Manager
4218 Mail Service Center
Raleigh, North Carolina 27699-4218

Dear Mr. Herrera:

Please reference your May 29, 2018 letter requesting the Wilmington District Corps of Engineers Regulatory Division (Division) to make comments on the proposed Tiered Environmental Assessment process of Single-Family Housing Projects funded by the Hurricane Matthew Community Development Block Grant - Disaster Recovery Program (CDBG-DR).

As stated in your letter, it is understood that the North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. You also stated that the best available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

You further explained that in order to expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM is seeking input/comments from the Division on the need for individual wetlands consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Regulatory Division Comments:

Pursuant to Section 404 of the Clean Water Act, any discharge of excavated or fill material into waters of the United States, including streams and wetlands in conjunction with these types of projects, as well as disposal of construction debris, the construction of temporary access roads, and removal of underground utilities, requires Department of the Army (DA) permit authorization. For your information some construction activities do not normally require a Section 404 permit because they do not impact wetlands or streams. For example, 1) elevation of structures on pilings in the same footprint, 2) acquisition/demolition of a structure provided the demolition material is hauled off to an approved upland disposal site/landfill, and 3) demolition/reconstruction of a structure in the same footprint, do not normally impact wetlands or streams and therefore do not normally require DA authorization.

The Division concurs with NCEM for project types 1, 2, 3, and 7 listed above, site-specific consultation for wetlands does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed. Project types 4 through 6 may possibly impact wetlands and thus require site-specific Division consultation if wetlands are potentially present. The Division also concurs with your proposed review and notification process for project types 4 through 6. This includes the desktop research and visual site observation to determine if any of the technical criteria relating to soils, vegetation, and hydrology are present to support a wetlands determination or if non-wetland waters such as streams or ponds are present. Desktop research will include, as warranted, review of available mapping information from the US Fish and Wildlife Service National Wetland Inventory and the National Resource Conservation Service soil survey, topographic maps from the US Geologic Survey, and aerial photographs. Also, visual site observation by a qualified professional will be made of each property to identify the presence of standing water or other obvious wetland conditions.

When requesting the Division to do a project-specific jurisdictional determination please utilize the guidance located on our webpage at:

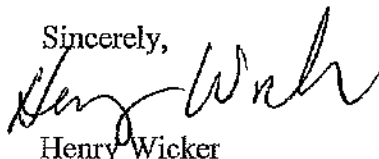
http://saw-reg.usace.army.mil/JD/OBTAINING_A_JD_17-07.pdf

Division Field Office contact information is located on our webpage at:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Contact/>

If you have any questions or need additional information, please feel free to contact me, Henry Wicker, Deputy Chief, Regulatory Division, at (910) 251-4930.

Sincerely,



Henry Wicker
Deputy Chief, Regulatory Division
Wilmington District

Shumate, Christy

From: Nora Zirps <nzirps@espassociates.com>
Sent: Wednesday, May 30, 2018 10:24 AM
To: Militscher.Chris@epa.gov
Cc: Prakash, Jagadish; Chris Ward; Shumate, Christy; Daniel.Herrera@ncdps.gov; Gagner, Michael
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - USEPA
Attachments: Hurricane Matthew CDBG-DR EAs - Agency Consultation Letter - USEPA.pdf

Mr. Militscher,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM
ESP Associates, Inc.
7011 Albert Pick Road, Suite E
Greensboro, NC 27409
www.espassociates.com

nzirps@espassociates.com
336.232.5213 | Direct
336.334.7724 | Office
336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 29, 2018

Mr. Christopher A. Militscher
Chief, NEPA Program Office
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Militscher:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Cumberland, Edgecombe, and Wayne Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the U.S. Environmental Protection Agency, Region 4 (USEPA) on the need for individual contamination and toxic substances consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

We plan to conduct site-specific contamination and toxic substances reviews for all project activities listed above.

A desktop review will supplement a site-specific inspection. The following public databases will be used to conduct the supplemental site-specific desktop reviews for contaminated and toxic sites on or within 3,000 feet of the project location as specified in 24 CFR 58.5(i):

- North Carolina Department of Environmental Quality (NCDEQ) Waste Management GIS Data and Maps – Includes Brownfield Sites, Hazardous Waste Sites (a subset of the many sites available through RCRAInfo), Inactive Hazardous Sites (which includes Manufactured Gas Plants), Active Permitted Landfills, Pre-Reg Landfills, Regional UST Sites, Registered USTs, Drycleaner and DSCA Sites, UST Incident Maps, Federal Remediation Sites. URL: <https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/waste-management-gis-maps>
- NCDEQ Division of Waste Management On-line Document Management (Laserfiche) System – This is NCDEQ's database of technical documentation regarding contaminated sites that may be accessed to obtain more detailed information regarding individual contaminant site concerns in order to assess impacts on project sites. URL: <https://edocs.deq.nc.gov/WasteManagement/Search.aspx?cr=1>
- Formerly Used Defense Sites – Identifies contaminated sites under investigation by the US Army Corps of Engineers. URL: <http://www.usace.army.mil/Missions/Environmental/Formerly-Used-Defense-Sites/FUDS-GIS/>

- NEPAassist – Includes the US Environmental Protection Agency's Superfund List (Superfund Enterprise Management System [SEMS], which replaced CERCLIS), National Priorities List (NPL), Toxics Release Inventory, Brownfields, Air Facility Systems, Hazardous Waste (RCRAInfo), Water Dischargers (NPDES), Brownfields (ACRES), RADInfo, and Toxic Substances Control Act (TSCA). URL: <https://www.epa.gov/nepa/nepassist>

If there are additional data resources that USEPA would recommend be used for the site-specific contamination and toxic substances reviews, please identify them along with a URL.

Data obtained from these public databases will be used by a qualified environmental professional to evaluate the potential for the suspected or known contaminated site to be located on or to have adversely impacted the project site, where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

Although site-specific consultation with regulatory agencies is generally not required for this environmental review topic, please identify any specific conditions that would trigger the need for USEPA consultation (or coordination) with the goal of limiting the number of required consultations to the situations that warrant such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Cumberland, Edgecombe, and Wayne Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than fifteen days from receipt of this letter.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash – AECOM, Environmental Assessor
Christy Shumate – AECOM, Environmental Assessor

From: Nora Zirps
To: [Herrera, Daniel](#)
Cc: [Prakash, Jagadish](#); [Shumate, Christy](#); [Chris Ward](#); [Wilmot, Kory](#)
Subject: FW: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program: EPA comments
Date: Wednesday, June 06, 2018 2:22:14 PM
Attachments: [image001.gif](#)
[NEPAChecklist.02.27.18NC06062018 Tiered Environmental Assessment Disaster Recovery CDBG-DR for HURRICANE MATTHEW in \(CAM\).docx.docx](#)

Below and attached is the response from USEPA.

Nora A. Zirps, PE, RSM

ESP Associates, Inc.

7011 Albert Pick Road, Suite E

Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell

From: Militscher, Chris <Militscher.Chris@epa.gov>
Sent: Wednesday, June 6, 2018 1:54 PM
To: Nora Zirps <nzirps@espassociates.com>
Cc: Santamaria, Rafael <Santamaria.Rafael@epa.gov>
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program: EPA comments

THIS MESSAGE ORIGINATED OUTSIDE OF ESP ASSOCIATES, INC. USE CAUTION WHEN OPENING ATTACHMENTS, CLICKING LINKS, OR RESPONDING TO REQUESTS FOR INFORMATION.

Nora: We reviewed the above projects in accordance with Section 102(2) (C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Based upon the preliminary information provided, enclosed you will find a 'NEPA Checklist' with the checked items that may be specifically applicable to your three projects in Cumberland, Edgecombe and Wayne Counties in North Carolina.

The EPA supports your disaster recovery projects and we thank you for the opportunity to provide comments for your consideration. Should you have questions regarding our comments or the NEPA Checklist items, please contact Mr. Rafael Santamaria at santamaria.rafael@epamail.epa.gov or at (404) 562-8376 of my staff.

Christopher A. Militscher
Chief, NEPA Program Office
USEPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
Militscher.chris@epa.gov

ENVIRONMENTAL PROTECTION AGENCY REGION 4 NEPA CHECKLIST

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA), Region 4 offers the following technical comments/recommendations for your consideration/inclusion that could help facilitate your compliance with the Council on Environmental Quality's NEPA implementing regulations at 40 CFR Parts 1500-1508. This checklist may aid you during planning and project development for future Draft Environmental Impact Statements (DEIS), Draft Environmental Assessments (DEA), and related NEPA documents. **Based upon the preliminary information provided, please note that the checked items may be specifically applicable to your project.**

Project Information: *Tiered Environmental Assessment, Disaster Recovery CDBG-DR for HURRICANE MATTHEW in Cumberland, Edgecombe and Wayne Counties in North Carolina.*

PROCESS RELATED ISSUES

☐ **Purpose and Need for the Project**

The NEPA document should be specific and describe what facilities or portions of the facilities will be constructed, demolished, etc. Clear documentation supporting the need for the proposed project is recommended and how the proposed project will address the identified need.

☐ **Alternatives Analysis**

The NEPA document should include clear discussions and conclusions why the Preferred Alternative was selected compared to the other alternatives. Include a general discussion on why the 'no action' alternative does not appear to meet the stated purpose and need.

☐ **Preferred Alternative**

The "Preferred Alternative" should be individually evaluated and assessed (i.e., without solely referencing to the impacts attendant to other alternatives) in the NEPA document.

☐ **Avoidance and Minimization Measures**

Documentation of any proposed avoidance and minimization measures to aquatic resources (i.e., wetlands and streams) can be important to a project's permitting approvals and should be included in the NEPA document.

☐ **Proposed Mitigation**

Documentation of proposed compensatory mitigation to replace unavoidable impacts to aquatic resources is important for permitting agency decisions and for public disclosure, and if known, should be included in the NEPA document.

☐ **Public Notice and Community Engagement**

The NEPA document should be made available for public inspection at various public locations. It would be very beneficial to ensure the public is well informed at all times through frequent public meetings, flyers, announcements and public hearings.

LAND

X The NEPA document should include a discussion that addresses demolition and construction debris. The EPA recommends that debris be properly handled by licensed contractors (if needed) and disposed in licensed sanitary landfills for each type of debris in accordance with local and state requirements, as appropriate. For waste recycling initiatives, please see:

<https://www.epa.gov/recycle> .

X For construction/demolition projects, the NEPA document should address: proper handling of hazardous materials removal and disposal (e.g., asbestos, polychlorinated biphenyls (PCBs), lead from paint), and proposed waste management measures (e.g., reuse or recycling as opposed to landfill disposal).

X The NEPA document should address identified contaminated soils, solid wastes, chemicals and hazardous materials. The EPA recommends that these items be properly handled by licensed contractors and disposed of according to local, state, and Federal requirements. For Resource Conservation and Recovery (RCRA) facilities and Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA; also known as Superfund) sites, the NEPAassist tool can help identify these locations: <https://www.epa.gov/nepa/nepassist>.

☐ The NEPA document should identify any above ground and/or underground storage tanks (AST/UST), and be evaluated and addressed according to state and Federal requirements.

AIR QUALITY

☐ The NEPA document should address general conformity requirements for the project study area. Please see <https://www.epa.gov/general-conformity>.

☐ Measures to minimize fugitive dusts and other emissions during demolition and/or construction should be addressed in the NEPA document.

WATER QUALITY

☐ The NEPA document should identify any jurisdictional wetlands and/or streams within the project area and any potential impacts to these aquatic resources.

☐ The NEPA document should address any soil disturbance associated with proposed project and measures that are planned to minimize soil erosion and sedimentation (during construction and post-construction).

☐ The addition of impervious surfaces (such as rooftops, parking areas, roadways, etc.) associated with the proposed project can increase stormwater flows. The NEPA document should evaluate stormwater management controls and other minimization measures to reduce offsite flooding.

☐ The NEPA document should identify any designated sole source aquifers and evaluate any potential impacts. Additional information can be found at: <https://www.epa.gov/dwssa>

☐ The NEPA document should address Executive Order 11988 which requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative.

☐ For projects involving wastewater collection and/or treatment facilities, the NEPA document should address any National Pollutant Discharge Elimination System (NPDES) permit program requirements.

OTHER ENVIRONMENTAL ISSUES

Environmental Justice

☐ The NEPA document should address the requirements under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Please see <https://www.epa.gov/ejscreen> .

☐ Measures to minimize any identified adverse and disproportionate impacts to minority and low-income populations should be provided in the NEPA document.

Noise

☐ The NEPA document should include a noise analysis consistent with the Noise Pollution and Abatement Act of 1972. Please see: <https://www.epa.gov/laws-regulations/summary-noise-control-act> .

☐ In addition to any noise analyses to be conducted related to the entire site, the NEPA document should also discuss what noise effects can be attributed to the temporary (Include the type and length of time) demolition and/or construction that will take place on the site and planned measures to abate any adverse noise effects.

Radon Gas

☐ Radon gas can be a significant health concern in buildings and dwellings in certain areas of the U.S. Please see <https://www.epa.gov/radon/epa-map-radon-zones> . The NEPA document should address any local or state requirements pertaining to the implementation of radon-resistant building codes.

Historic Properties and Archeological Sites

☐ Project construction and/or demolition should be performed according to the National Historic Preservation Act of 1966 requirements. Please see: <http://www.achp.gov/106summary.html> . Coordination with the State's Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) may be required. The identification of historic properties or eligible historic properties should be included in the NEPA document along with any consultation determinations.

☐ Properties should be surveyed for potential archeological sites and projects should comply with the requirements of the Archaeological Resources Protection Act of 1979 and the Native American Graves Protection and Repatriation Act of 1990. Coordination with the SHPO or THPO may be required. Relevant documentation of activities pertaining to archeological resources should be included in the NEPA document.

Tribal

☐ The NEPA document should address impacts to traditional American Indian resources, if any, under the various alternatives. Consultation with the American Indian Tribes/organizations should be made and it should include a list of Tribes and or Native American Indian Organizations consulted about the project along with their comments and any responses.

Threatened and Endangered Species

☐ The NEPA document should address any potential impacts to threatened and endangered (T&E) species or their critical habitat. A general list of T&E animals can be found at: <https://ecos.fws.gov/ecp0/reports/ad-hoc-species-report?kingdom=V&kingdom=I&status=E&status=T&status=EmE&status=EmT&status=EXPE>

[&status=EXP&status=SA&status=SA&mapstatus=3&fcrithab=on&fstatus=on&fspecrule=on&finvpop=on&fgroup=on&header=Listed+Animals](#)

☐ The U.S. Fish and Wildlife Service should be consulted regarding any T&E species or their critical habitat and any consultations with them should be included in the NEPA document.

Prime Farmlands

☐ The NEPA document should address any potential conversion of prime farmlands. For additional information from the Natural Resources Conservation Service, please see: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcseprd1338623.html .

Best Management Practices

☐ Best Management Practices (BMPs) should be identified in the NEPA document. Examples of some BMPs include: Construction activities should be restricted to existing rights-of-way and limited to the areas necessary to meet the project's purpose and need; Structures placed in a floodplain should be constructed to minimize the infiltration/inflow (I/I) of flood waters and should be sturdy enough to withstand the uplift and velocity forces of such waters; Ancillary facilities for wastewater collection systems (e.g., pipelines and pump stations) should be designed so not to impede the natural flow of flood waters; Vegetation replacement of disturbed easement areas should be done with native plant species, wherever possible.

Green Building

☐ For new structures, green building initiatives should be identified in the NEPA document: Examples of some Green building initiatives include: Energy and water conservation (e.g., low flow toilets, energy efficient windows and doors, efficient lighting, etc.); Other pollution prevention measures (e.g., use of materials with recycled content). For additional information, please see: <https://www.epa.gov/smartgrowth/green-building-standards> .

Indirect and Cumulative Impacts

☐ Due to the nature and scope of the proposed project, the EPA recommends that indirect and cumulative impacts also be identified and evaluated in the NEPA document.

☐ **Other:**

Shumate, Christy

From: Nora Zirps <nzirps@espassociates.com>
Sent: Wednesday, May 30, 2018 9:25 AM
To: Ellis, John (john_ellis@fws.gov)
Cc: Prakash, Jagadish; Chris Ward; Shumate, Christy; Daniel.Herrera@ncdps.gov; Gagner, Michael
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - USFWS
Attachments: Hurricane Matthew CDBG-DR EAs - Agency Consultation Letter - USFWS.pdf

Mr. Ellis,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM
ESP Associates, Inc.
7011 Albert Pick Road, Suite E
Greensboro, NC 27409
www.espassociates.com

nzirps@espassociates.com
336.232.5213 | Direct
336.334.7724 | Office
336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 29, 2018

Mr. John Ellis
Federal Project Endangered Species Act Reviewer
U.S. Fish and Wildlife Service
Raleigh Field Office
551F Pylon Drive
Raleigh, NC 27606

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Ellis:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Cumberland, Edgecombe, and Wayne Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the US Fish and Wildlife Service (USFWS) on the need for individual threatened and endangered (T&E) species consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

It is our understanding that communications occurred in June 2017 between the USFWS and one of NCEM's environmental consultants (ESP Associates, Inc.) concerning the potential impacts of proposed CDBG-DR single-family housing projects on T&E species. These discussions focused on the types of projects that may require site-specific consultation with the USFWS and specifically the conditions that would trigger the need for such consultation with the goal of limiting the number of required consultations to the situations that so warrant.

During these previous communications, the USFWS identified a list of species and activities of most interest to them for the site-specific environmental review consultations. Of primary interest to the USFWS as a trigger for the potential need for consultation is the removal of trees. The following paragraphs summarize our understanding of the conclusions regarding the need for USFWS consultation during the site-specific environmental reviews.

Repair/rehabilitation with no substantial change in footprint on the same parcel and reimbursement for previously-completed eligible repair activities (project activities 1 and 7 above) would result in no effect on federally-listed T&E species unless the project activity required the removal of a tree. If the project activity involves removal of a tree, site-specific environmental review for federally-listed T&E species will be required as discussed herein. For all other types of project activities, site-specific environmental review for federally-listed T&E species is required as discussed in the following paragraphs.

The Bald Eagle is of concern **State-wide**. Bald Eagles nest in super dominant canopy trees (i.e., trees that are much taller than surrounding trees so that the birds can see a wide area). If the project involves the removal of a large pine or Cyprus near a creek or lake, there is a potential for a Bald Eagle nest. As a first screen, the NC Natural Heritage Program (NCNHP) Data Explorer

should be accessed to find out if a known Bald Eagle nest is present. The next step is to visually inspect any super dominant canopy cypress or pine tree that is to be removed for evidence of a large bird nest (important since not every nest is shown in the NCNHP Data Explorer). If there is any evidence of a large bird nest, the USFWS should be consulted.

The Red-cockaded Woodpecker has been found in **Cumberland County**. If the project is located in Cumberland County and involves the removal of a 10-inch DBH (diameter at breast height [i.e., 4.5 feet]) pine tree, further review is required. Using the NCNHP Data Explorer and visual observation (important since not every cavity tree is shown in the NCNHP Data Explorer), the reviewer should determine whether there are any Red-cockaded Woodpecker cavities within 200 feet (the immediate foraging area around the nest) of the project site. If there is any evidence of a nest, the USFWS should be consulted.

With regard to the federally-listed freshwater bivalve species (listed for **Edgecombe and Wayne Counties** in Table 1 attached), the USFWS has determined no effect based on the kind of work to be performed which would not involve "in water" work. For relocation on previously-undisturbed land (project activity 4 above), however, the USFWS should be consulted if a project will result in vegetation removal and/or land clearing within 100 feet of a stream and the NCNHP Data Explorer identifies a known occurrence of a federally-listed freshwater bivalve species within 1,000 feet upstream or 1,000 feet downstream in the potentially impacted stream.

The following link identifies counties in eastern North Carolina where USFWS records indicate the presence of the Northern Long-eared Bat (NLEB):

https://www.fws.gov/raleigh/NLEB_RFO.html. Roosting sites for the NLEB are identified as red areas on the map that can be downloaded at

<https://www.sciencebase.gov/catalog/item/5851849ee4b0f99207c4f10e>. These maps should be checked once a month for updates as bat survey work is ongoing in North Carolina. USFWS consultation is required for any project site located within a known roosting area. Based on these maps, the **NLEB has not been observed in Cumberland, Edgecombe, or Wayne Counties** nor are there any NLEB roost trees known to exist in these counties; therefore, barring new data to the contrary, project sites in these three counties are not subject to restrictions for the NLEB. If a project activity involves tree removal, effects on the NLEB must be assessed. Tree removal activities are covered by the Programmatic Biological Opinion for the final 4(d) rule, and consultation with the USFWS should not be required.

For all other federally-listed T&E species identified in the NCNHP Data Explorer element occurrence database for Cumberland, Edgecombe, and Wayne Counties (see Table 1 attached), the USFWS stated that proposed single-family housing project activities will have no effect.

Please provide your concurrence regarding project activities and triggers for site-specific USFWS consultations described herein or modify as appropriate if there have been any

additional species of interest or changed conditions since the communications that occurred in June 2017.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Cumberland, Edgecombe, and Wayne Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than fifteen days from receipt of this letter.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash - AECOM, Environmental Assessor
Christy Shumate - AECOM, Environmental Assessor

Attachment:
Table 1 - Federal Threatened and Endangered Species; Cumberland, Edgecombe & Wayne Counties

Table 1
Federal Threatened and Endangered Species
Cumberland, Edgecombe & Wayne Counties (North Carolina)
Community Development Block Grant - Disaster Recovery
Tiered Environmental Assessment for Single-Family Housing Programs

Count of COMMON NAME (State / Federal)	Column Labels		
Row Labels	Cumberland	Edgecombe	Wayne
Bird	1	1	1
Bald Eagle (T / BGPA)		1	1
Red-cockaded Woodpecker (E / E)	1		
Butterfly	1		
Saint Francis' Satyr (SR / E)	1		
Freshwater Bivalve		2	1
Tar River Spinemussel (E / E)		1	
Yellow Lance (E / T)		1	1
Reptile	1		
American Alligator (T / T(S/A))	1		
Vascular Plant	4		
Chaffseed (E / E)	1		
Michaux's Sumac (E / E)	1		
Pondberry (E / E)	1		
Rough-leaf Loosestrife (E / E)	1		

Source: North Carolina Department of Natural and Cultural Resources, Natural Heritage Program; Natural Heritage Data Explorer [web application] available at <https://www.ncnhp.org/data/species-community-search> and accessed on May 17, 2018 (County Status - Current).

From: Ellis, John
To: [Nora Zirps](#)
Cc: [Prakash, Jagadish](#); [Chris Ward](#); [Shumate, Christy](#); [Daniel.Herrera@ncdps.gov](#); [Gagner, Michael](#); [John Hammond](#); [Tom Augspurger](#); [McRae, Sarah](#); [Dale Suiter](#); [Kathryn Matthews](#)
Subject: Re: [EXTERNAL] Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program
Date: Monday, June 11, 2018 2:02:57 PM

Nora,

The Service concurs with the approach described in the May 29, 2018 correspondence from NCDPS to the Service. Recognizing the urgency of the matter, is this email sufficient or do you need more formal correspondence?

Thanks,
John

On Wed, May 30, 2018 at 9:24 AM, Nora Zirps <nzirps@espassociates.com> wrote:

Mr. Ellis,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM

ESP Associates, Inc.

7011 Albert Pick Road, Suite E

Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh ES Field Office

Post Office Box 33726

Raleigh, North Carolina 27636-3726

July 12, 2018

Mr. Daniel Herrera
NC Department of Public Safety
Division of Emergency Management
4218 Mail Service Center
Raleigh, NC 27699-4218

Dear Mr. Herrera:

The U.S. Fish and Wildlife Service's Raleigh Ecological Services office (Service) received your letter dated May 29, 2018 requesting comments on the Endangered Species Act consultation process for the Tiered Environmental Assessment of Single-Family Housing Projects Hurricane Matthew Community Development Block Grant – Disaster Recovery Program. Data for this Recovery action indicate that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding from N.C. Division of Emergency Management (NCEM) through this program. We have reviewed the information provided, and this letter serves as a follow up to the email we provided on June 11, 2018 stating that we concur with the approach described in this letter.

In June 2017, the Service and ESP Associates, Inc, acting on behalf of NCEM, developed site specific conditions which would trigger the need for consultation with the goal of facilitating the Endangered Species Act consultation process. The conditions specified the sorts of projects for which NCEM could make a determination on No Effect, thus completing consultation, and those which would require additional consultation with the Service. The Service believes the May 29, 2018 letter captures these correctly and we look forward to continuing to work with NCEM in this recovery action.

If you have any questions or comments, please contact John Ellis of this office at (919) 856-4520 ext. 26.

Sincerely,

Pete Benjamin
Field Supervisor

Shumate, Christy

From: Nora Zirps <nzirps@espassociates.com>
Sent: Wednesday, May 30, 2018 9:27 AM
To: justin.williamson@ncparks.gov
Cc: Prakash, Jagadish; Chris Ward; Shumate, Christy; Daniel.Herrera@ncdps.gov; Gagner, Michael
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - NC Parks
Attachments: Hurricane Matthew CDBG-DR EAs - Agency Consultation Letter - NC State Parks.pdf

Mr. Williamson,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM
ESP Associates, Inc.
7011 Albert Pick Road, Suite E
Greensboro, NC 27409
www.espassociates.com

nzirps@espassociates.com
336.232.5213 | Direct
336.334.7724 | Office
336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 29, 2018

Mr. Justin Williamson
Environmental Review Coordinator
North Carolina Division of Parks & Recreation
1615 Mail Service Center
Raleigh, NC 27699-1615

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Williamson:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Cumberland, Edgecombe, and Wayne Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best currently available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the North Carolina Division of Parks & Recreation (NC State Parks) on the need for individual consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Since there are no State Natural and Scenic Rivers in Cumberland, Edgecombe, or Wayne counties, we do not believe that NC State Parks coordination or consultation will be required for the site-specific environmental reviews for project locations in these counties. If you agree, please provide your concurrence with this conclusion. If you envision situations that might warrant NC State Parks consultation (or coordination), please identify the specific conditions that would trigger the need for such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Cumberland, Edgecombe, and Wayne Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than fifteen days from receipt of this letter.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash - AECOM, Environmental Assessor
Christy Shumate - AECOM, Environmental Assessor



Division of Parks and Recreation
NC Department of Natural and Cultural Resources

Governor Roy Cooper

Secretary Susi H. Hamilton

May 30, 2018

Daniel Herrera
Environmental Manager
CDBG Disaster Recovery
4218 Mail Service Center
Raleigh, NC 27699-4218

Dear Mr. Herrera:

I am responding to your request for information regarding the CDBG-DR environmental assessment efforts in Wayne, Cumberland and Edgecombe counties. Based on the information in your letter concerning the different types of single-family housing unit projects, the North Carolina Division of Parks and Recreation (DPR) concurs that site-specific consultation will not be required for these projects. However, it is important to note that while DPR does not believe any impacts to State Park Land or Management Areas will be affected by this project, DPR does manage several properties within these counties, including State Parks, State Natural Area and State Trails and if potential impacts were to occur we would require further consultation.

If you need further information please let me know.

Sincerely,

Justin Williamson
Environmental Review Coordinator
North Carolina Division of Parks and Recreation
(919) 707-9329 / justin.williamson@ncparks.gov

cc: Nora A. Zirps, PE. ESP Associates, Inc.

Shumate, Christy

From: Nora Zirps <nzirps@espassociates.com>
Sent: Wednesday, May 30, 2018 10:21 AM
To: michael.scott@ncdenr.gov
Cc: Prakash, Jagadish; Chris Ward; Shumate, Christy; Daniel.Herrera@ncdps.gov; Gagner, Michael
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - DWM
Attachments: Hurricane Matthew CDBG-DR EAs - Agency Consultation Letter - NCDEQ DWM.pdf

Mr. Scott,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM
ESP Associates, Inc.
7011 Albert Pick Road, Suite E
Greensboro, NC 27409
www.espassociates.com

nzirps@espassociates.com
336.232.5213 | Direct
336.334.7724 | Office
336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 29, 2018

Mr. Michael E. Scott
Director, Division of Waste Management
North Carolina Department of Environmental Quality
1646 Mail Service Center
Raleigh, NC 27699-1646

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Scott:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Cumberland, Edgecombe, and Wayne Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the North Carolina Department of Environmental Quality (NCDEQ) Division of Waste Management (DWM) on the need for individual contamination and toxic substances consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

We plan to conduct site-specific contamination and toxic substances reviews for all project activities listed above.

A desktop review will supplement a site-specific inspection. The following public databases will be used to conduct the supplemental site-specific desktop reviews for contaminated and toxic sites on or within 3,000 feet of the project location as specified in 24 CFR 58.5(i):

- NCDEQ Waste Management GIS Data and Maps – Includes Brownfield Sites, Hazardous Waste Sites (a subset of the many sites available through RCRAInfo), Inactive Hazardous Sites (which includes Manufactured Gas Plants), Active Permitted Landfills, Pre-Reg Landfills, Regional UST Sites, Registered USTs, Drycleaner and DSCA Sites, UST Incident Maps, Federal Remediation Sites. URL:
<https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/waste-management-gis-maps>
- NCDEQ DWM On-line Document Management (Laserfiche) System – This is NCDEQ's database of technical documentation regarding contaminated sites that may be accessed to obtain more detailed information regarding individual contaminant site concerns in order to assess impacts on project sites. URL:
<https://edocs.deq.nc.gov/WasteManagement/Search.aspx?cr=1>
- Formerly Used Defense Sites – Identifies contaminated sites under investigation by the US Army Corps of Engineers. URL:
<http://www.usace.army.mil/Missions/Environmental/Formerly-Used-Defense-Sites/FUDS-GIS/>

- NEPAassist – Includes the US Environmental Protection Agency's Superfund List (Superfund Enterprise Management System [SEMS], which replaced CERCLIS), National Priorities List (NPL), Toxics Release Inventory, Brownfields, Air Facility Systems, Hazardous Waste (RCRAInfo), Water Dischargers (NPDES), Brownfields (ACRES), RADInfo, and Toxic Substances Control Act (TSCA). URL: <https://www.epa.gov/nepa/nepassist>

If there are additional State data resources that NCDEQ DWM would recommend be used for the site-specific contamination and toxic substances reviews, please identify them along with a URL.

Data obtained from these public databases will be used by a qualified environmental professional to evaluate the potential for the suspected or known contaminated site to be located on or to have adversely impacted the project site, where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

Although site-specific consultation with regulatory agencies is generally not required for this environmental review topic, please identify any specific conditions that would trigger the need for NCDEQ DWM consultation (or coordination) with the goal of limiting the number of required consultations to the situations that warrant such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Cumberland, Edgecombe, and Wayne Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than fifteen days from receipt of this letter.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash - AECOM, Environmental Assessor
Christy Shumate - AECOM, Environmental Assessor

From: Nora Zirps
To: [Herrera, Daniel](#); [Prakash, Jagadish](#); [Chris Ward](#); [Shumate, Christy](#); [Wilmot, Kory](#)
Subject: FW: [External] FW: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program-DWM
Date: Tuesday, June 12, 2018 3:37:22 PM
Attachments: [image001.png](#)

Below please find the response from NCDEQ DWM.

Nora A. Zirps, PE, RSM
ESP Associates, Inc.

7011 Albert Pick Road, Suite E
Greensboro, NC 27409
www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct
336.334.7724 | Office
336.420.6979 | Cell

From: Scott, Michael <michael.scott@ncdenr.gov>
Sent: Tuesday, June 12, 2018 3:13 PM
To: Nora Zirps <nzirps@espassociates.com>
Subject: RE: [External] FW: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program

THIS MESSAGE ORIGINATED OUTSIDE OF ESP ASSOCIATES, INC. USE CAUTION WHEN OPENING ATTACHMENTS, CLICKING LINKS, OR RESPONDING TO REQUESTS FOR INFORMATION.

Nora,

After reviewing the letter, we have provided some feedback below:

1. A few of the datasets that are mentioned are not managed by our Division (NPDES and TRI). DWR staff (John Risgaard, Jeff Poupart and/or Debra Watts) should be approached regarding these datasets and to ask if they have any sites that should be added to the review process.
2. The DEQ Open Data page may be the best source for DEQ GIS data: <http://data-ncdenr.opendata.arcgis.com/>
3. We have a DWM locator tool that we have built to assist with this type of review on a site by site basis. Our staff would be happy to talk with you about the tool to share insight about it if you feel it would be worthwhile.

Let us know of any further questions and thank you for the opportunity to comment on our available resources.

Michael

Michael E. Scott

Director
Division of Waste Management
North Carolina Department of Environmental Quality

919-707-8246 office
Michael.scott@ncdenr.gov

217 West Jones Street
1646 Mail Service Center
Raleigh, NC 27699



*Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties.*

From: Nora Zirps [<mailto:nzirps@espassociates.com>]
Sent: Wednesday, June 6, 2018 11:11 AM
To: Scott, Michael <michael.scott@ncdenr.gov>
Subject: [External] FW: Tiered Environmental Assessment of Single-Family Housing Projects,
Hurricane Matthew CDBG-DR Program

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to Report Spam.

Michael,

I wanted to be sure you received the attached letter from NCEM regarding the approach you and I discussed last year for Tier 2 reviews of single-family housing projects associated with Hurricane Matthew disaster recovery.

Please confirm receipt and let me know when you think we could expect your response. We are looking for a formal response back to Dan Herrera, but a scan of the letter emailed back to me is fine.

Thank you for your assistance.

Regards,
Nora

Nora A. Zirps, PE, RSM
ESP Associates, Inc.
7011 Albert Pick Road, Suite E
Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell

From: Nora Zirps

Sent: Wednesday, May 30, 2018 10:21 AM

To: 'michael.scott@ncdenr.gov' <michael.scott@ncdenr.gov>

Cc: 'Prakash, Jagadish' <jagadish.prakash@aecom.com>; Chris Ward <cward@espassociates.com>;

'Shumate, Christy' <Christy.Shumate@aecom.com>; 'Daniel.Herrera@ncdps.gov'

<Daniel.Herrera@ncdps.gov>; 'Gagner, Michael' <Michael.Gagner@ncdps.gov>

Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program

Mr. Scott,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM

ESP Associates, Inc.

7011 Albert Pick Road, Suite E

Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc. The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is

Shumate, Christy

From: Shumate, Christy
Sent: Wednesday, May 30, 2018 10:43 AM
To: 'karen.higgins@ncdenr.gov'
Cc: 'Nora Zirps'; Chris Ward; Prakash, Jagadish; Herrera, Daniel; Gagner, Michael
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - DWR
Attachments: Hurricane Matthew CDBG-DR EAs - Agency Consultation Letter - NCDEQ DWR.pdf

Ms. Higgins,

On behalf of the North Carolina Division of Emergency Management AECOM is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (919) 760-4030.

Thank you,
Christy

Christy Shumate, AICP
Project Manager, Planning Department, North Carolina
D +1-919-760-4030
christy.shumate@aecom.com

AECOM
701 Corporate Center Drive
Suite 475
Raleigh, North Carolina 27607
T +1-919-854-6200
aecom.com



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 29, 2018

Ms. Karen Higgins
Supervisor, 401 & Buffer Permitting Branch
Division of Water Resources
North Carolina Department of Environmental Quality
1617 Mail Service Center
Raleigh, NC 27699-1617

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Ms. Higgins:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Cumberland, Edgecombe, and Wayne Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Resources (DWR) on the need for individual NCDEQ DWR consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with NCDEQ DWR and which would not. For example, for project types 1, 2, 3, and 7 listed above, site-specific consultation with NCDEQ DWR does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed.

We would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment. For example, for types of projects that may require NCDEQ DWR consultation, please identify the specific conditions that would trigger the need for consultation with the goal of limiting the number of required consultations to the situations that warrant such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Cumberland, Edgecombe, and Wayne Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than fifteen days from receipt of this letter.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash - AECOM, Environmental Assessor
Christy Shumate - AECOM, Environmental Assessor



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Interim Director

June 15, 2018

Mr. Daniel Herrera
Environmental Manager, CDBG Disaster Recovery
4218 Mail Service Center
Raleigh, NC 27699-4218

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant – Disaster Recovery Program

Dear Mr. Herrera:

This letter is in response to your letter dated May 29, 2018, requesting input from this Division on the need for individual environmental consultation concerning certain CDGB-DR single-family housing unit projects in Cumberland, Edgecombe, and Wayne Counties as part of Hurricane Matthew recovery efforts.

The Division agrees that certain types of single-family housing unit projects would not necessitate individual consultation with the Division due to the unlikelihood that impacts to wetlands, streams or riparian buffers would occur. Specifically, types 1,2,3,5 and 7 as described in your letter should not require site specific consultation if the existing development footprint does not change and land disturbance in wetland, streams or riparian buffers can be avoided during construction.

If you have any questions, or require any additional information, please contact me at 919-707-9147 or Karen Higgins at 919-707-6360.

Sincerely,

Jim Gregson,
Interim Deputy Director
Division of Water Resources, NCDEQ

Enclosure

Cc: John Nicholson
Lynn Hardison

Shumate, Christy

From: Nora Zirps <nzirps@espassociates.com>
Sent: Wednesday, May 30, 2018 9:30 AM
To: 'david.cox@ncwildlife.org'
Cc: Prakash, Jagadish; Chris Ward; Shumate, Christy; Daniel.Herrera@ncdps.gov; Gagner, Michael
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program - WRC
Attachments: Hurricane Matthew CDBG-DR EAs - Agency Consultation Letter - NCWRC.pdf

Mr. Cox,

On behalf of the North Carolina Division of Emergency Management, ESP Associates, Inc. is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at (336) 232-5213.

Thank you,

Nora A. Zirps, PE, RSM
ESP Associates, Inc.
7011 Albert Pick Road, Suite E
Greensboro, NC 27409
www.espassociates.com

nzirps@espassociates.com
336.232.5213 | Direct
336.334.7724 | Office
336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 29, 2018

Mr. David Cox
Technical Guidance Supervisor
North Carolina Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Cox:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Cumberland, Edgecombe, and Wayne Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Cumberland, Edgecombe, and Wayne Counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best available data suggest that 507 homes in Cumberland County, 844 homes in Edgecombe County, and 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the North Carolina Wildlife Resources Commission (NCWRC) on the need for individual State-listed T&E species consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

It is our understanding that communications occurred in June 2017 between the NCWRC and one of NCEM's environmental consultants (ESP Associates, Inc.) concerning the potential impacts of proposed CDBG-DR single-family housing projects on State-listed T&E species in Cumberland, Edgecombe, and Wayne Counties (refer to Table 1 attached). These discussions focused on the types of projects that may require site-specific consultation with the NCWRC and specifically the conditions that would trigger the need for such consultation with the goal of limiting the number of required consultations to the situations that so warrant.

During these prior discussions, it is our understanding that the NCWRC indicated that the only single-family housing project activity that would require NCWRC consultation regarding State-listed T&E species is relocation on previously-undisturbed land (project activity 4 above). For this project activity, the following paragraphs summarize our understanding of the conclusions regarding the need for NCWRC consultation during the site-specific environmental reviews.

The Carolina Gopher Frog has been encountered in long-leaf pine forests at the edge of the Carolina Bay system in Cumberland County. If the project is located in **Cumberland County**, the North Carolina Natural Heritage Program (NCNHP) Data Explorer element occurrence data should be used as an initial screen to determine whether there have been any occurrences of this species within one mile of the project site. If so, and if the project has the potential to adversely impact long-leaf pines, the NCWRC should be consulted to determine the need for species surveys and/or mitigative actions.

Adverse impacts to the Eastern Tiger Salamander are very unlikely since they inhabit ephemeral wetlands. For **Cumberland County** where there have been occurrences of this species, the NCNHP Data Explorer element occurrence data should be used as an initial screen to determine whether there have been any occurrences of this species within one mile of the project site. If so, and if the project has the potential to adversely impact ephemeral wetlands, the NCWRC should be consulted to determine the need for species surveys and/or mitigative actions.

The NCWRC defers to the U.S. Fish and Wildlife Service regarding the need for consultations regarding the Bald Eagle and the Red-cockaded Woodpecker.

State T&E freshwater bivalve species (listed for **Cumberland, Edgecombe, and Wayne Counties** in Table 1) could potentially be adversely impacted if a project involves any clearing and/or land disturbance within 100 feet (ft) of a perennial freshwater stream. In these instances, the NCNHP Data Explorer element occurrence data should be reviewed to determine if there have been any occurrences of any State T&E freshwater bivalve species within a distance of one-mile upstream or one-mile downstream within the impacted stream. If so, the NCWRC should be consulted to determine the need for species surveys and/or mitigative actions.

The following State T&E freshwater fish species present in Edgecombe County could potentially be adversely impacted if a project involves any clearing and/or land disturbance within 100 ft of a perennial freshwater stream: Carolina Madtom; and Least Brook Lamprey. In these instances, and if the project is located in **Edgecombe County**, the NCNHP Data Explorer element occurrence data should be reviewed to determine if there have been any occurrences of any State T&E freshwater fish species within a distance of one-mile upstream or one-mile downstream within the impacted stream. If so, the NCWRC should be consulted to determine the need for species surveys and/or mitigative actions.

Adverse impacts to the American Alligator present in Cumberland County are not anticipated because this species inhabits canals and stormwater ditches and adapts to disturbed areas. Site-specific review is not required for this species.

Please provide your concurrence regarding project activities and triggers for site-specific NCWRC consultations described herein or modify as appropriate if there have been any additional species (Table 1 identifies several new State T&E species observed in the three counties) or changed conditions since the communications that occurred in June 2017.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Cumberland, Edgecombe, and Wayne Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than fifteen days from receipt of this letter.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash – AECOM, Environmental Assessor
Christy Shumate – AECOM, Environmental Assessor

Attachment:
Table 1 - State Threatened and Endangered Species; Cumberland, Edgecombe & Wayne Counties

Table 1
State Threatened and Endangered Species
Cumberland, Edgecombe & Wayne Counties (North Carolina)
Community Development Block Grant - Disaster Recovery
Tiered Environmental Assessment for Single-Family Housing Programs

Count of COMMON NAME (State / Federal)	Column	Cumberlan	Edgecombe	Wayne
Row Labels				
Amphibian		4		
Carolina Gopher Frog (E / FSC)		1		
Eastern Tiger Salamander (T /)		1		
Mabee's Salamander (T /)		1		
Ornate Chorus Frog (E /)		1		
Bird		2	1	1
Bald Eagle (T / BGPA)			1	1
Black-throated Green Warbler - Coastal Plain population (E / FSC)		1		
Red-cockaded Woodpecker (E / E)		1		
Freshwater Bivalve		1	10	3
Atlantic Pigtoe (E / FSC)			1	
Creeper (T /)			1	
Eastern Lampmussel (T /)			1	1
Green Floater (E / FSC)			1	
Notched Rainbow (T / FSC)			1	
Tar River Spinymussel (E / E)			1	
Tidewater Mucket (T /)			1	
Triangle Floater (T / FSC)			1	1
Yellow Lampmussel (E / FSC)		1	1	
Yellow Lance (E / T)			1	1
Freshwater Fish			2	
Carolina Madtom (T / FSC)			1	
Least Brook Lamprey (T /)			1	
Reptile		3		
American Alligator (T / T(S/A))		1		
Northern Pinesnake (T / FSC)		1		
Southern Hognose Snake (T / FSC)		1		

Source: North Carolina Department of Natural and Cultural Resources, Natural Heritage Program; Natural Heritage Data Explorer [web application] available at <https://www.ncnhp.org/data/species-community-search> and accessed on May 17, 2018 (County Status - Current).

Appendix B.3 Programmatic Agreement

**Programmatic Agreement
Between the
North Carolina Department of Commerce,
North Carolina Department of Public Safety, and
State Historic Preservation Officer**

**For
The Use of U. S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery Funds
For Hurricane Matthew in North Carolina**

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) has allocated Community Development Block Grant - Disaster Recovery funds (“CDBG-DR”) to the North Carolina Department of Commerce (“DOC”) under the Continuing Appropriations Act of 2017 (Public Law 114-254) to assist recovery in the following fifty North Carolina counties:

Anson	Craven	Harnett	Moore	Richmond
Beaufort	Cumberland	Hertford	Nash	Robeson
Bertie	Currituck	Hoke	New Hanover	Sampson
Bladen	Dare	Hyde	Northampton	Scotland
Brunswick	Duplin	Johnston	Onslow	Tyrrell
Camden	Edgecombe	Jones	Pamlico	Wake
Carteret	Franklin	Lee	Pasquotank	Warren
Chatham	Gates	Lenoir	Pender	Washington
Chowan	Greene	Martin	Perquimans	Wayne
Columbus	Halifax	Montgomery	Pitt	Wilson

(“The Counties”) most impacted and declared a major disaster due to Hurricane Matthew; and

WHEREAS, HUD has unique statutory authority to delegate its environmental compliance responsibilities promulgated under 24 CFR 58 to state, local, and tribal governments including obligations under Section 106 of the National Historic Preservation Act of 1966 (16 USC § 470 *et seq.*, the “Act”) and the Advisory Council on Historic Preservation’s (“ACHP”) implementing regulations at 36 CFR Part 800; and

WHEREAS, DOC has assumed the role of Responsible Entity (“RE”) for the State of North Carolina (the “State”) and will make assistance, including CDBG-DR funds for Homeowner Recovery, Small Rental Repair, Multi-Family Rental Housing, Supportive Housing and Services, Public Housing Restoration, Small Business Recovery, Economic Development, Infrastructure, Resiliency, Public Facilities and Community Recovery (the Programs), available to the Counties, its citizens, federally recognized tribes and other entities in accordance with the State’s Approved Action Plan and Updates (Appendix E); and

WHEREAS, the North Carolina General Assembly passed the Disaster Recovery Act of 2016 (S.L. 2016-124) requiring DOC, as the Grantee, to transfer all CDBG-DR program funds to the Department of Public Safety, Division of Emergency Management (“EM”); and

WHEREAS, DOC and EM have chosen to administer the environmental review requirements under 24 CFR Part 58.18 and each of the Counties, affected by Hurricane Matthew, will assume the role of RE for their allotment of CDBG-DR funding; and

WHEREAS, DOC and EM have determined that implementation of the Programs will result in Undertakings [as defined in 16 USC 470w and 36 CFR Part 800.16(y)] that may affect historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP), and

WHEREAS, DOC and EM have consulted with the North Carolina State Historic Preservation Officer ("SHPO" or "HPO") pursuant to the Act and the ACHP's regulations; and

WHEREAS, given the magnitude of North Carolina's recovery efforts and the immediate need for governmental assistance, DOC, EM and the SHPO have determined that the development and implementation of a Programmatic Agreement (PA) for the use of the Programs will provide the most timely and cost-effective means for DOC, EM and SHPO to address the unmet recovery needs of the Counties and the citizens of North Carolina affected by Hurricane Matthew and have invited the ACHP to participate in and be a party to this PA; and

WHEREAS, the ACHP declined the invitation; and

WHEREAS, DOC, EM and SHPO conferred with the Counties to determine if they wish to be concurring parties to this PA; and

WHEREAS, a County, as the RE, must accept concurring party status prior to their expenditure of CDBG-DR funds; and

WHEREAS, DOC, EM, and the SHPO conferred with the Eastern Band of Cherokee Indians, the Cherokee Nation, the United Keetoowah Band of the Cherokee Indians, and the Catawba Indian Nation, the federally-recognized tribes with cultural affiliation in North Carolina; to determine if they wished to join in this PA as consulting parties; and

WHEREAS, the Eastern Band of Cherokee Indians, the Cherokee Nation, the United Keetoowah Band of the Cherokee Indians tribes declined to join in this PA; and

WHEREAS, the Catawba Indian Nation accepted the invitation to be a consulting party to this PA; and

WHEREAS, DOC and EM as part of recovery efforts to date have consulted with local units of government, individuals and organizations, who due to the nature of their legal and economic relation(s) to the Programs' Undertakings, or their concern with the effects of the Programs' Undertakings on historic properties, have demonstrated a legitimate interest; and

WHEREAS, DOC and EM have sought public participation by utilizing HUD procedures for public involvement found at 24 CFR 58.43; 58.45-46; 58.59 and other applicable sections of that part; and

WHEREAS, DOC, EM and SHPO will continue to identify interested parties and initiate consultation with them on a case-by-case basis, and will involve the public by disseminating information about those Undertakings and their effects on historic properties on EM's Hurricane Matthew website at <https://www.ncdps.gov/hurricane-matthew-2016>;

NOW THEREFORE, DOC, EM, and SHPO as signatories, agree that, upon execution of this PA, the disaster recovery Undertakings funded by the CDBG-DR Programs shall be implemented in accordance with the following stipulations to take into account the effects of the Undertakings on historic properties.

STIPULATIONS

I. Inter-agency Agreement

- A. DOC and EM shall enter into an Inter-Agency Reimbursement Agreement with the North Carolina Department of Natural and Cultural Resources to fund, within the State Historic Preservation Office (HPO), on a time-limited basis, one (1) full-time Environmental Review Specialist II (Qualified Staff), who meets the Secretary of the Interior's Professional Qualifications, outlined at 36 CFR Part 61. "SHPO's obligations and duties under this PA are subject to the condition precedent that DOC, EM, and DNCR enter into the Inter-Agency Reimbursement Agreement an unsigned copy of which is attached hereto as Appendix H.
- B. If, as a result of the Initial Project Review outlined in Stipulation II, historic properties will be affected, Qualified Staff will coordinate the consultation process among the DOC, EM, the Counties and any concurring or affected parties pursuant to the Council's regulations at 36 CFR Part 800.5- 36 CFR Part 800.6 to avoid, resolve or mitigate any adverse effect(s).
- C. Qualified Staff shall monitor the implementation of all efforts to avoid or mitigate adverse effects to historic properties, including consultation with the Counties and their consultants to ensure adherence to any conditions to avoid adverse effects or to mitigate adverse effects upon historic properties.

II. Initial Project Review

- A. The HPO shall, within fifteen (15) working days of receipt of the property information outlined in a *SHPO Data Transfer Form*, determine if a property, applying for assistance under the Programs, is listed in, is, or may be eligible for listing in the National Register of Historic Places (a Historic Property).
 1. If the property is not historic, the HPO will document on the *SHPO Data Transfer Form* that No Historic Property is present within the

Undertaking's Area of Potential Effects (APE) and no further review is necessary.

2. If the property is or may be Historic, the HPO will determine the effect of any Undertaking that is not an *Activity Categorically Excluded from Review* per Appendix A and document the Finding of Effect using the *Historic Property Effects Form*.
 3. Qualified Staff will provide the final evaluation of the property and effects finding to EM within thirty days (30) of receipt.
- B. If the effect of the Undertaking is adverse, Qualified Staff will determine if the use of one or more of the Standard Treatment Measures outlined in Appendix C will avoid or mitigate the adverse effect and document that the use of a Standard Treatment is acceptable.
- C. If Qualified Staff determines that the use of a Standard Treatment Measure is not acceptable and the property will be adversely affected, Qualified Staff shall consult with DOC, EM, the appropriate County and any consulting party(ies) per 36 CFR Part 800.6 to resolve the adverse effect.

III. Archaeological Reviews

- A. The HPO shall coordinate with the Office of State Archaeology (OSA) to determine if archaeological resources are likely to be affected by a proposed Undertaking.
1. If there is no likelihood for archaeological resources to be affected, the HPO will document that finding on a *SHPO Data Transfer Form*.
 2. If there is a likelihood that archaeological resources will be affected, Qualified Staff, in consultation with OSA, will determine what work is necessary to identify and evaluate the significance of the archaeological resources.
 - i. Qualified Staff will provide recommendations on work is needed to evaluate the archaeological resource(s) within thirty (30) days of receipt of the information provided per Appendix B.
 - ii. Qualified Staff, in consultation with OSA, will review the results of the recommended survey/testing and determine the eligibility of the resource(s).
 3. If the archaeological resource(s) is deemed eligible for the NRHP, Qualified Staff, in consultation with OSA, will determine the effect of the proposed treatment and provide the effect finding to EM within thirty days (30) of receipt of the information listed and as formatted in Appendix B.
- B. Qualified Staff will explore with the RE and OSA how the project might be revised to avoid any eligible archaeological resource(s).
- C. If the resource(s) cannot be avoided and will be adversely affected, Qualified Staff will consult with DOC, EM, OSA and any consulting party(ies) per 36 CFR Part 800.6 to resolve the adverse effect.

IV. Consultation with Certified Local Governments

- A. In the event a county or local government within the fifty Counties is a Certified Local Government (CLG) with a local preservation commission, the CLG's commission shall be invited to become a Concurring Party to this PA and work with the HPO's Qualified Staff to explore how a project might be revised to avoid any impacts per 36 CFR Part 800.
- B. If impacts cannot be avoided and the resource will be adversely affected, the HPO will consult with DOC, EM, OSA, and any other consulting party(ies) per 36 CFR Part 800.6 to resolve the adverse effect
- C. If a CLG's commission declines becoming a Concurring Party to this PA, HPO's Qualified Staff will work with DOC, EM and the County within the process outlined at 36 CFR Part 800.6 to resolve any adverse effects within the CLG's jurisdiction.

V. Mitigation Measures and Monitoring

- A. If an adverse effect cannot be avoided, Qualified Staff will consult with the DOC, EM, County, the project applicant and any consulting, concurring or interested parties for the undertaking to resolve the adverse effect, pursuant to 36 CFR Part 800.6.
 - 1. If implementation of one or more of the Standard Treatment Measures found in Appendix C will resolve the adverse effect, a Memorandum of Agreement (MOA) will be developed among the parties for implementation of those measures.
 - 2. If none of the Standard Treatment Measures found in Appendix C will resolve the adverse effect, the parties shall consult to develop Alternative Mitigation Measures and develop a MOA that incorporates those measures for resolving the adverse effect.
- B. Qualified Staff shall assist, to the extent agreed upon in the MOA, with implementation of the mitigation measures, including monitoring and documentation of the completion of the agreed upon measures.
- C. In the event the Inter-Agency Reimbursement Agreement between DOC, EM and HPO (Appendix H) expires prior to completion of any or all Standard Treatment or Alternative Mitigation Measures of the several MOAs, staff of the HPO will continue monitoring the implementation of the standard and alternative measures in the several MOAs until such time as any and all mitigation measures are complete.

VI. Dispute Resolution

- A. Should the SHPO or another consulting or concurring party or individual object within thirty (30) days to any plans or documentation provided for review pursuant to this PA, DOC and EM shall consult with the objecting party(ies) to resolve the objection. If DOC and EM determine that the objection cannot be resolved, it shall forward all documentation relevant to the dispute to the Council.

Within 30 days after receipt of all pertinent documentation, the Council will either:

1. Provide DOC and EM with recommendations which DOC and EM will take into account in reaching a final decision regarding the dispute, or
2. Notify DOC and EM that it will comment pursuant to 36 CFR Part 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by DOC and EM in accordance with 36 CFR Part 800.7(c)(4) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute and DOC's and EM's responsibility to carry out all the actions under this PA that are not the subject of the dispute will remain unchanged.

- B. Any member of the public, any agency or organization may request the Council review of Section 106 compliance for an individual undertaking in accordance with 36 CFR Part 800.9(a).

VII. Unanticipated Discoveries and Treatment of Human Remains

- A. If, during implementation of any Undertakings carried out by the RE and covered by this PA, a previously unidentified historic property is encountered, or a previously identified historic property is affected in an unanticipated manner, the RE will consult with the other parties to this PA. The RE will ensure that all work shall cease in the discovery area until the previously unidentified historic property or unanticipated effect can be evaluated, and an appropriate treatment plan developed. If human remains are discovered, consultation shall proceed as outlined in Stipulation VII. B below.

B. Treatment of Human Remains and Funerary Objects

1. EM, in consultation with the SHPO and State Archaeologist, shall ensure that the treatment of any discovered human remains and associated funerary objects complies with all applicable state and federal laws, particularly North Carolina General Statute 70, Article 3 ("The Unmarked Human Burial and Human Skeletal Remains Protection Act"). Should human remains be encountered during historic property investigations or construction activities, all ground disturbing activities within 25 feet of the discovery shall cease immediately. The remains will be treated with respect to the deceased, and shall be protected from the time of discovery from further construction activities, pending consultation to resolve treatment of such remains.
2. EM shall immediately notify the North Carolina State Archaeologist (State Archaeologist) and the appropriate County Medical Examiner should any human remains and/or associated funerary objects be encountered by any activity covered by this PA. In the event of such discovery, EM and the State Archaeologist shall consult regarding the treatment and disposition of these remains. This consultation shall include consideration of the

Treatment Guidelines for Human Remains and Funerary Objects, attached as Appendix D.

3. The State Archaeologist shall consult with the Executive Director of the North Carolina Commission of Indian Affairs regarding the treatment and disposition of the remains, as required by the Unmarked Human Burial and Human Skeletal Remains Protection Act.
4. EM, in consultation with the other parties to this PA, shall ensure that those remains and artifacts are treated in a manner consistent with the Advisory Council on Historic Preservation's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (2007). When feasible, human remains shall be preserved in place without further investigation. In determining what is "feasible," weight shall be given to preservation in place.
5. The discovery and treatment of human remains and graves, other than those reasonably identified as Native American, shall require application of North Carolina General Statute 70-33.

VIII. Amendments

- A. Any of the primary signatories of the PA may request that it be amended, whereupon the parties will consult to consider such an amendment. An amendment to the PA will go into effect upon the written concurrence of the DOC, EM, and SHPO.
- B. Any forms developed to implement this PA may be revised with the written concurrence of the Parties to this PA.
- C. If a party invited to concur in this PA has not accepted by the time the PA is filed with the Council, that party may become a concurring party for the duration of this PA upon the written concurrence of the primary signatories. Such action will not require an amendment to this PA.

IX. Termination

Any of the primary signatories of the PA may terminate it by providing written notice of thirty (30) days to the other parties, provided the parties will consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination. In the event of termination, EM will comply with 36 CFR Part 800.4 through 36 CFR Part 800.6 with regard to individual undertakings covered by this PA.

X. Duration

This PA shall continue in full force and effect until June 30, 2019 or until the programs covered by it are complete with regard to Hurricane Matthew recovery, whichever event occurs last. During the six (6) month period prior that event, the signatories will consult to consider an extension or amendment of the PA. No extension or amendment will be effective unless the primary signatories to the PA agree in writing.

Execution and implementation of this PA evidences that, the RE in cooperation with SHPO, has satisfied its responsibilities under Section 106 of NHPA for all Undertakings under this PA.

AGREED:

North Carolina Department of Commerce, Community Development

George Sherrill Date 4/25/2018
George Sherrill, Chief of Staff
North Carolina Department of Commerce

North Carolina Division of Emergency Management

Wanda A. Aggs Date 4/26/18
Name of signer

North Carolina State Historic Preservation Officer

Kevin Cherry Date 4/26/2018
Kevin Cherry, Ph. D.
Deputy Secretary, Office of Archives and History
North Carolina Department of Natural and Cultural Resources

FILED BY ADVISORY COUNCIL ON HISTORIC PRESERVATION

Name of signer Date _____

**Programmatic Agreement
Between the
North Carolina Department of Commerce,
North Carolina Department of Public Safety, and
State Historic Preservation Officer**

**For
The Use of U. S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery Funds
For Hurricane Matthew in North Carolina**

Execution and implementation of this PA evidences that, the RE in cooperation with SHPO, has satisfied its responsibilities under Section 106 of NHPA for all Undertakings under this PA.

AGREED AS CONSULTING PARTY

Catawba Indian Nation

Name of signer Date _____

**Programmatic Agreement
Between the
North Carolina Department of Commerce,
North Carolina Department of Public Safety, and
State Historic Preservation Officer**

**For
The Use of U. S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery Funds
For Hurricane Matthew in North Carolina**

Execution and implementation of this PA evidences that, the RE in cooperation with SHPO, has satisfied its responsibilities under Section 106 of NHPA for all Undertakings under this PA.

AGREED AS CONSULTING PARTY

[COUNTY NAME]

Name of signer Date _____

Appendices

Appendix A – Activities Categorically Excluded from Review

Appendix B – Individual Project Information Sheet

Appendix C – Standard Treatment Measures

Appendix D – Guidance for Unanticipated Discovery of Human Remains

Appendix E – State of North Carolina CDBG-DR Action Plan - Approved April 21, 2017 and any subsequent approved updates

Appendix F – Elevation Guidelines

Appendix G – Landscaping Guidance

Appendix H – Inter-agency Reimbursement Agreement

APPENDIX A

Activities Categorically Excluded from Review

These activities may be amended in accordance with Stipulation VIII of this Programmatic Agreement.

In addition to projects and activities that are either exempt under HUD regulations (24 CFR 58.34) or are categorically excluded as not subject to review of the laws listed at 24 CFR 58.5 in accordance with 24 CFR 58.35(b), the signatories to this Programmatic Agreement concur that the following types of activities do not have the potential to cause adverse effects to historic properties, assuming such historic properties are present, and therefore the Responsible Entity (RE) has no further obligations under Section 106.

These Categorically Exclusions (Exclusions) apply to all CDBG-DR projects that will have limited or no effect on historic properties, either because the Undertakings do not “have the potential to cause effects on historic properties, assuming such historic properties were present,” pursuant to 36 CFR 800.3(a)(1), the work will be conducted in previously disturbed areas, or the repairs will meet specific standards. As set forth at **Stipulation I. B.**, projects falling under one or more of these Exclusions will require review by qualified RE staff, but do not require review by the SHPO. Exclusions are organized into categories of activities based on the types of disaster related work typically funded by the CDBG-DR Program (Appendix B). The laws of the State of North Carolina shall govern the activities and work performed in accordance with this Programmatic Agreement, so long as such laws are not federally preempted.

When referenced in an Exclusion, “in-kind” shall mean that the repair is done with the same material, or a close match when original materials are no longer produced, and will match all physical and visual aspects of existing historic materials, including form, color, and workmanship. “In-kind” mortar will also match the strength, content, color and joint tooling of historic mortar. When referenced in the Exclusions, previously disturbed soils refers to soils that are not likely to possess intact and distinct soil horizons and which have the reduced likelihood of possessing archaeological artifacts, features, and phenomena within their original depositional contexts.

Section 1: Administrative Costs and Non –Brick and Mortar Financial Assistance

A. Economic development activities including equipment purchase, inventory financing, interest subsidy, operating expenses, and similar costs on associated with construction or expansion of existing operations where physical improvements, if any, will be limited to those activities described in the Excluded Activity sections below;

B. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payments assistance, interest buydowns, interim mortgage assistance, and similar activities that result in the transfer of title where no change in use will occur and physical improvements, if any, will be limited to those activities described in the Excluded Activity sections below;

C. Building acquisition where physical improvements, if any, will be limited to those activities described in the Excluded Activity sections below.

Section 2: Undertakings Involving Ground Disturbance

Non-Specific Activities

If the project will not involve buildings, objects, structures, defined sites, or cultural landscapes that are 50 years or age or older in the APE, and the following condition is met, the SHPO does not need to review the project regardless of activity. The project consultant or engineer shall document how the project meets the qualifying criterion on an *Excluded from SHPO Review Form* and submit it to the SHPO.

Qualifying Criterion:

The Area of Potential Effects (APE) has been profoundly disturbed. Profound disturbance as it relates to the APE occurs when a past activity or activities have physically altered the three-dimensional APE of an undertaking in its entirety to the point where there is no potential for an archaeologically significant property to remain.

Specific Excluded Activities

When the following ground disturbing activities are proposed for any project locations not meeting the Qualifying Criterion, they will be considered excluded from further review by the SHPO, because the activities have limited potential to adversely affect historic properties:

- A. Photoscopic pictures of water and/or sewer pipe.
- B. Re-lining of non-historic water and/or sewer pipe (i.e., plastic, clay, concrete).
- C. Point repairs of water and/or sewer pipe.
- D. Hydrant replacements.
- E. Manholes cover replacements.
- F. New/replacement service lines and related appurtenances involving boring or slit trenches up to one (1) foot in width and 100 feet in length.
- G. Equipment replacement, purchase, removal, and/or installation.
- H. Disturbances confined to the current footprint of an existing facility compound, such as water and/or sewer treatment plants.
- I. Directional boring of utility lines without sending and receiving pits.
- J. Connecting pits relating to directional boring for utility lines no bigger than 10 feet by 10 feet.
- K. In-place replacement of water and/or sewer mains, if no known National Register of Historic Places listed or eligible properties, including sites and historic districts, are within the APE.
- L. Wells in existing well fields.
- M. Test boring/well sites to determine soil suitability, if no recorded archeological sites are in the vicinity.
- N. Replacement of concrete or asphalt sidewalks.
- O. Replacement of water towers on the same parcel when that parcel is less than one (1) acre in size, if water tower to be demolished is less than 50 years old and the new tower is not more than a 10% increase in capacity or an increase of more than 20 feet in height as compared to the existing water tower.

- P. Utility upgrades without land disturbance.
- Q. Parking lot rehabilitation or construction of less than one (1) acre in size, located on agricultural land, provided any ground disturbance activities will be confined to the plowzone, which generally extends 10 to 12 inches below the surface.
- R. Overhead power line replacement.
- S. Resurfacing and/or rehabilitation of existing concrete or asphalt roads, drives, or entries where the area is within both existing horizontal and vertical alignment. This does not apply to roads found eligible for listing on the National Register of Historic Places.
- T. Conversion of an existing gravel road to concrete or asphalt where the area is within both existing horizontal and vertical alignment. This does not apply to roads found eligible for listing on the National Register of Historic Places.
- U. Pavement widening and/or shoulder construction and the addition of auxiliary lanes, such as turn lanes or climbing lanes where the area is within both existing horizontal and vertical alignment of an existing right of way. This does not apply to roads found eligible for listing on the National Register of Historic Places.

Section 3: Undertakings Involving Architectural/Historical Resources

Non-Specific Excluded Activities

If the following condition is met, the SHPO does not need to review the architectural portion of a project regardless of activity. The project consultant or engineer shall document how the project meets the qualifying criterion on an *Excluded from SHPO Review Form* and submit it to the SHPO.

Qualifying Criterion:

The Project will involve a building of any type that is less than 45 years old and not located within, adjacent to, or within the view-shed of a listed or potentially eligible National Register historic district.

Specific Excluded Activities

When the following activities are proposed for any architectural properties not meeting the Qualifying Criterion, they will be considered excluded from further review by the SHPO, because the activities have limited potential to adversely affect historic properties. The project consultant or engineer shall document how the project meets the qualifying criterion on an *Excluded from SHPO Review Form* and submit it to the SHPO.

A. Exterior Rehabilitation

- a) Caulking and weather stripping in a color complementary to the adjacent surfaces
- b) Scraping, extremely low-pressure (less than 100 psi) washing, and/or repainting of exterior cladding. This does not apply to destructive surface preparation treatments, such as water blasting, sand or other particle blasting, power sanding, or chemical cleaning.
- c) Repair or in-kind replacement of windows (i.e., new windows will duplicate the material, dimensions, design, detailing, and operation of the known historic

windows), as follows (this does not apply to the replacement of existing archaic, decorative, or architectural/structural glass):

- i. Repair, scrape, paint, and re-glaze existing windows.
- ii. Repair or in-kind replacement of window sash, glass, and/or hardware, including jam tracks. Consideration should be given first to identifying ways to repair rather than replace damaged historic materials.
- iii. Repair or in-kind replacement of damaged and non-operable transoms. Consideration should be given first to repair rather than replacement of damaged historic materials.
- d) Installation of storm windows and doors provided they conform to the shape and size of the historic windows and doors. The meeting rails should be at the same location as those of the window being covered. Color should complement trim.
- e) Repair or in-kind replacement (i.e., the new features will duplicate the extant material, dimensions, and detailing) of the following features (consideration should be given first to identifying ways to repair rather than replace damaged historic materials):
 - i. Porches - railings, post/columns, brackets, cornices, steps, flooring, ceilings, and other decorative treatments.
 - ii. Roofs.
 - iii. Siding.
 - iv. Exterior architectural details and features.
 - v. Doors, including cellar/bulkhead doors.
 - vi. Gutters and downspouts.
- f) Repair or reconstruction of concrete/masonry walls, parapets, chimneys, or cornices, provided any new masonry or mortar matches the color, strength, composition, and joint width of existing walls, and no power tools are used on historic materials.
- g) Bracing and reinforcing of chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or removable in the future.
- h) Construction or replacement of wheelchair ramps provided the ramps are on secondary façades and will not directly impact the material fabric of the building.
- i) Installation of temporary wheelchair ramps on any façade.
- j) Substantial repair or in-kind replacement of signs or awnings. This does not apply to historic signs—painted, neon, or otherwise.

B. Interior Rehabilitation

- a) Non-destructive or concealed testing for damage assessment or identification of hazardous materials (e.g., lead paint, asbestos, etc.).
- b) Any changes to the *non-public areas* of the building that are not in public spaces and do not affect the exterior of the building. (Public spaces in a residential building are limited to the rooms on the front elevation, including a hall, parlor and other rooms with openings such as a window or door onto the front elevation. Public spaces in a non-residential building are those spaces that the public would be welcomed into such as a lobby, hallway or major offices or meeting areas.)
- c) Installation of insulation in ceilings, attic spaces, and crawl spaces.

d) Installation of insulation in wall spaces provided an appropriate interior vapor barrier or vapor barrier paint is used and historic exterior clapboards are removed and reinstalled carefully. This does not apply to the installation of urea formaldehyde foam insulation or any other thermal wall insulation containing water.

C. Site Improvements

- a) Repair or in-kind replacement of driveways, parking lots, and walkways, although consideration should be given first to repair rather than replacement of damaged historic materials whenever feasible.
- b) Repair or in-kind replacement of non-historic landscaping and utilities, such as paving, planters, trellises, irrigation, and lighting.
- c) Repair or in-kind replacement of fencing and other exterior retaining or freestanding walls, provided masonry and mortar matches the color, strength, composition, rake, and joint width of historic wall and no power tools are used on historic materials.

APPENDIX B

FORMS FOR PROJECT DOCUMENTATION

These forms may be amended in accordance with Stipulation VIII of this Programmatic Agreement.

- SHPO Data Transfer Form— per Stipulation II. A. and II. A. 1
- Excluded from SHPO Review Form – per Stipulation II. A. 2 and Appendix A.
- Project Information Form for Non-excluded Projects – per Stipulation I. B.
- Recommendations to Responsible Entity (RE) on Archaeological Survey or testing, if Archaeological Resources Suspected – per Stipulation III. A. 2.i.
- Finding of Effects Form – per Stipulations II. C and III. C.

These forms shall be developed among the parties to capture the necessary information as completely and efficiently as possible and allow for documentation of eligibility determinations and finding of effects.

APPENDIX C

STANDARD MITIGATION MEASURES

This Appendix may be amended in accordance with Stipulation VIII of this Programmatic Agreement.

If Undertakings result in or will result in adverse effects to historic properties, the Responsible Entity (RE) and SHPO may develop a treatment measure plan that includes one or more of the following Standards Mitigation Measures (36 CFR 68), depending on the nature and number of historic properties affected and the severity of the adverse effects.

A. Recordation Package

State-Level Documentation: Prior to project implementation, the RE shall oversee the successful delivery of a State Level Documentation Report prepared by staff or contractors, who meet the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate. For the purposes of this Agreement, the State-Level Documentation Reports will be considered complete and in compliance with the documentation standards when they, at a minimum, follow the SHPO's Digital Policies and Resources for Survey and National Register Photography, Conducting A Survey: Survey Manual, Field Form and Database Computer Mapping found at:

http://www.hpo.ncdcr.gov/digital/NCHPO_Digital_Start_Page.html and include:

- a. Interior photo-documentation as part of this Standard Treatment will only be required when the RE and SHPO concur that such documentation is appropriate for a specific property.
- b. A concise narrative history of the property, and an appropriate historical context.
- c. To the extent feasible and in consultation with SHPO, the RE's State-Level Documentation Reports prepared for multiple properties within an individual historic district will be combined into more comprehensive reports. Subsequent State-Level Documentation of historic properties from the same historic districts will be submitted as Addenda.
- d. The RE shall submit the State-Level Documentation Report to SHPO for review and approval. SHPO will respond within ten (10) days of receipt with approval or any requests for amendments. If SHPO does not respond within the specified timeframe, the RE may assume SHPO approval and proceed with the project.

B. Design Review by SHPO

Prior to project implementation, the RE, shall work with SHPO to develop a historically sensitive construction approach. Plans and specifications will, to the greatest extent feasible, preserve the basic character of a building in the design, scale, massing, fenestration patterns, orientation and materials of the original building. Primary emphasis shall be given to the major street elevations that are visible. Significant contributing features (e.g. trim, windows, doors, porches) will be repaired or replaced with either in-kind materials or materials that come as close as possible to the original materials in basic appearance. Aesthetic camouflaging treatments such as use of veneers, paints, texture compounds and other surface treatments and/or use of sympathetic infill

panels and landscaping features, such as vegetative screening for elevated structures (see **Appendix G**), will be employed to the greatest extent feasible. Final construction drawings used in the bidding process will be submitted to SHPO for review and comment prior to the award of a construction contract and the initiation of construction activities.

C. Public Interpretation

Prior to project implementation, the RE will work with SHPO to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the parties, SHPO and the RE will continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the RE.

D. Historical Context Statements and Narratives

Prior to project implementation, the RE will work with SHPO to determine the topic and framework of a historic context statements or narratives the RE shall be responsible for completing using staff or contractors, who meet the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.. The statements or narratives may focus on an individual property, a historic district, a set or related properties, or relevant themes.

Once the topic of the historic context statements or narratives has been agreed to, the RE shall continue to coordinate with SHPO through the drafting of the document and delivery of a final product. SHPO shall have final approval over the end-product. The RE will use staff or contractors, who meet the Secretary's Professional Qualifications for the appropriate discipline.

E. Oral History Documentation

Prior to project implementation, the RE will work with SHPO to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, the RE shall continue to coordinate with SHPO through the data collection, drafting of the document, and delivery of a final product. SHPO shall have final approval over the end-product. The RE will use staff or contractors, who meet the Secretary's Professional Qualifications for the appropriate discipline.

F. Historic Property Inventory

Prior to project implementation, the RE will work with SHPO to identify the parameters of historic property inventory efforts. Efforts may be directed toward the re-survey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the RE shall continue to coordinate with SHPO through the data collection process. The RE will use SHPO standards for the survey of historic properties and SHPO forms. EM will prepare a draft inventory report, using SHPO templates and guidelines, and work with SHPO until a final property inventory is approved. The RE will use staff or contractors, who meet the Secretary's Professional Qualifications for the appropriate discipline.

G. National Register and National Historic Landmark Nominations

Prior to project implementation, the RE will work with SHPO to identify individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the parties have agreed to a property, the RE shall continue to coordinate with SHPO through the drafting of the nomination form. SHPO will provide adequate guidance to the RE during the preparation of the nomination form and shall formally submit the final nomination for inclusion in the National Register. The RE will use staff or contractors, who meet the Secretary's Professional Qualifications for the appropriate discipline.

APPENDIX D

GUIDANCE FOR THE UNANTICIPATED DISCOVERY OF HUMAN REMAINS

The following guidance is intended to provide an understanding of what legal protections exist for human remains in North Carolina and what steps must be taken if they are encountered during construction on a project. It should be noted that the graves and remains of Native Americans are present in many areas that are now residential neighborhoods, and colonial graves and other historic burials may be found outside formally marked cemeteries and burial grounds.

North Carolina General Statute §70-29 requires that anyone who knows or reasonably believes that human remains are being exposed or disturbed **shall immediately notify the Chief Medical Examiner, and the State Archaeologist.**

§ 70-29. Discovery of remains and notification of authorities. (a) Any person knowing or having reasonable grounds to believe that unmarked human burials or human skeletal remains are being disturbed, destroyed, defaced, mutilated, removed, or exposed, shall notify immediately the medical examiner of the county in which the remains are encountered. (b) If the unmarked human burials or human skeletal remains are encountered as a result of construction or agricultural activities, disturbance of the remains shall cease immediately and shall not resume without authorization from either the county medical examiner or the State Archaeologist, under the provisions of G.S. 70-30(c) or 70-30(d). (c) (1) If the unmarked human burials or human skeletal remains are encountered by a professional archaeologist, as a result of survey or test excavations, the remains may be excavated and other activities may resume after notification, by telephone or registered letter, is provided to the State Archaeologist. The treatment, analysis and disposition of the remains shall come under the provisions of G.S. 70-34 and 70-35. (2) If a professional archaeologist directing long-term (research designed to continue for one or more field seasons of four or more weeks' duration) systematic archaeological research sponsored by any accredited college or university in North Carolina, as a part of his research, recovers Native American skeletal remains, he may be exempted from the provisions of G.S. 70-30, 70-31, 70-32, 70-33, 70-34 and 70-35(c) of this Article so long as he: a. Notifies the Executive Director within five working days of the initial discovery of Native American skeletal remains; b. Reports to the Executive Director, at agreed upon intervals, the status of the project; c. Curates the skeletal remains prior to ultimate disposition; and d. Conducts no destructive skeletal analysis without the express permission of the Executive Director. Upon completion of the project fieldwork, the professional archaeologist, in consultation with the skeletal analyst and the Executive Director, shall determine the schedule for the completion of the skeletal analysis. In the event of a disagreement, the time for completion of the skeletal analysis shall not exceed four years. The Executive Director shall have authority concerning the ultimate disposition of the Native American skeletal remains after analysis is completed in accordance with G.S. 70-35(a) and 70-36(b) and (c). (d) The State Archaeologist shall notify the Chief, Medical Examiner Section, Division of Health Services, Department of Health and Human Services, of any reported human skeletal remains discovered by a professional archaeologist. (1981, c. 853, s. 2; 1997-443, s. 11A.118(a); 2007-484, s. 10(b).)

Once notified, the Chief Medical Examiner and the State Archaeologist will consult to determine if the remains are human and whether the remains are archaeological in nature. If both of these

conditions are true, the State Archaeologist will determine whether the remains are Native American or non-Native in origins and initiate consultations with the property owner and other parties. Within 72 hours, the State Archaeologist, in consultation with the property owner, will determine the appropriate course of action, which may include, where feasible, preservation in place, or relocation.

If preservation in place is not feasible, the State Archaeologist will work with the other parties to respectfully recover and relocate the remains and any associated materials from the property. Most recovery efforts are completed in five days or less. Failure to immediately notify the State Archaeologist and Chief Medical Examiner when graves or human remains are discovered may lead to legal penalties.

When to notify

If bones are encountered which are suspected to be human, contact the State Archaeologist for guidance. If remains are encountered which are clearly human, stop all work in the area of the discovery and **notify the State Archaeologist and the Chief Medical Examiner immediately.**

State Archaeologist

John Mintz

North Carolina Department of Natural and Cultural Resources

Office of State Archaeology

Office: (919) 807-6555

Email: john.mintz@ncdcr.gov

North Carolina Office of the Chief Medical Examiner

4312 District Dr.

Raleigh, NC 27609

Office: (919) 743-9000

APPENDIX F

Guidance for Elevating Historic Properties

The following guidelines are to provide guidance in considering the effect of elevations on historic building and district to ensure that communities are provided with the best opportunities to recover from disasters in a manner that is least destructive to the historic integrity of the subject buildings. However, many elevations result in an adverse effect to the subject building and its setting in that the elevation will alter the historic building to the extent that its condition will no longer effectively convey its historic materials, design, location or setting.

When elevation of a historic property may be appropriate.

When a historic building has been damaged by flooding and federal funding is available to repair the damage and mitigate the risk of subsequent flooding, first assess whether alternative treatments are feasible.

The relationship of a structure to grade is always important in defining its historic and visual character. Raising or elevating a historic property is, therefore, generally discouraged without first considering whether there are other feasible alternatives that would require less change to its character. Potential alternatives to elevating a property may include, but are not limited to:

- temporary or permanent flood protection, flood proofing, or other exterior/interior measures to make the structure more resilient to flooding and protect against hazards,
- site or landscaping changes (such as regrading or constructing a berm),
- moving/relocating the resource to another location), or
- raising or elevating a property in combination with flood protection measures or other site or landscaping changes to reduce the magnitude of change in elevation, and, thereby, reduce the impact on the historic and visual character of the structure.

Where such measures are impractical, the aim should be to elevate to the minimum necessary height to which a historic building can be elevated to meet current program or regulatory requirements. The potential for adverse effects to the historic integrity of buildings is increased with height. A four foot elevation may result in no adverse effects to a historic property when a six or eight foot elevation would substantially alter the building's original design and relationship to its surroundings.

Where current flood hazard regulations, building codes, or insurance requirements essentially render a building unusable in its historic condition, then elevations may be necessary to prevent the loss of the building. Consideration of proposed alterations to the existing design of a historic building is highly dependent on the specific context of each property. One of the important considerations for SHPO is how the subject building relates to the surrounding historic buildings. This is important, as most historic properties are elements within historic districts. Where a substantial percentage of homes in a historic district have already been elevated, the changes to

the visual character of the district caused by the elevation of a single building may be relatively minor.

The architectural style and construction of a building also plays an important role in establishing whether a proposed elevation will result in a major change to the historic design and setting of the building. The size and proportions of the historic building to be elevated relative to the height of the elevation is another consideration. Finally, the relationship of the original structure to adjacent features, such as roadways, should also be considered.

In general, design considerations should include:

- The height of an elevation ideally should not exceed the elevation of the historic first story.
- All designs should take into account the existing height and style of the surrounding buildings. Uniformly elevated historic buildings in a district are less obtrusive than a “broken” streetscape composed of inconsistently elevated (in height) and non-elevated buildings.
- All designs must maintain as much of the historic structure and character as possible, including doorways, windows, porches and other exterior features.
- The front door must remain a means of egress. Removal of the front door very often results in a major change to the historic design and appearance.
- Add-on designs including new porches, decks, and additions should be avoided. If the addition of a porch is necessary for the egress, the design should be as small and simple as possible and designed in a manner sympathetic to the historic style and character of the building.
- For beachfront properties, buildings should be elevated using open wood or concrete piers or concrete blocks; enclosed spaces beneath beachfront properties should be avoided as they may substantially change the scale and massing of the historic building.
- Low elevations (four feet or less) may be successfully designed with breakaway walls or other treatments that extend the design of the original structure down to the ground surface, particularly when the existing building is large. The break between the original structure and the elevated section should be visible through the incorporation of horizontal trim or other elements to distinguish the historic construction from the new.
- Where appropriate for the environmental setting, simple vegetative screens may help reduce the visual impact of the elevation and provide a stronger visual connection between the historic building and the ground surface.

No elevation of a historic building or a building within or adjacent to a historic district is exempt from SHPO review, a finding of effect, and possible mitigation.

APPENDIX G

LANDSCAPING GUIDANCE FOR ELEVATED HISTORIC BUILDINGS

For those projects which have already proceeded to construction and for which there are potential adverse effects to the historic integrity of historic buildings or districts, the following treatments may be implemented to mitigate the potential adverse impacts.

Visual screening of the structural elements constructed to elevate the historic buildings should be accomplished through the selective planting of appropriate shrubs, grasses, and other plants that will obscure the new structural elements. The intent of the screening is to allow the newly elevated building to better blend in with the surrounding landscape and to decrease the visual presence of the new construction. Plant selection should be made based on the environmental characteristics of the project site, space constraints, and the anticipated size at maturity for the species and varieties selected. As each site is unique, the specific plants selected will vary, but generally should not substantially exceed the height of the elevated structure at maturity. Where feasible, the applicant shall select conifers or other evergreen species which provide consistent screening throughout the year. Where such selections are inappropriate due to space constraints or environmental characteristics, ornamental grass species which retain foliage through the winter months or deciduous shrubs may be substituted.

The RE shall provide to SHPO a concise narrative description and sketch planting plan showing the locations and types of plants, which will be used relative to the newly elevated historic house or other building for review and comment prior to approving the application. If SHPO does not request additional information or provide comments or within ten (10) days of receipt of these materials, the RE may assume SHPO's approval and proceed with closing of the application.

APPENDIX H

NORTH CAROLINA
WAKE COUNTY

REIMBURSEMENT AGREEMENT

NORTH CAROLINA DEPARTMENT
OF COMMERCE

AND

NORTH CAROLINA DEPARTMENT OF
PUBLIC SAFETY;

AND

NORTH CAROLINA DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

DATE: April 25th, 2018

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Commerce, an agency of the State of North Carolina, hereinafter referred to as the NCDOC, the North Carolina Department of Public Safety, an agency of the State of North Carolina, hereinafter referred to as the NCDPS, and the North Carolina Department of Natural and Cultural Resources, hereinafter referred to as the DNCR.

WITNESSETH:

WHEREAS, the NCDOC, NCDPS, and DNCR recognize the need to function as a collaborative and cooperative team to meet the needs of North Carolina; and,

WHEREAS, the NCDOC, NCDPS, and DNCR have committed together to deliver project review as required by federal law that arose from 2016 natural disasters expediently and provide for emergency recovery while protecting the natural and human environment; and,

WHEREAS, to that end, the NCDOC, NCDPS, and DNCR have entered into a Programmatic Agreement to this end, dated April 25th, 2018; and

WHEREAS, the NCDOC, NCDPS, and DNCR, to meet project review goals and to facilitate effective working relationships, have agreed to maintain one (1) full-time, term-limited position within DNCR; and,

WHEREAS, NCDOC has agreed to fund said position as a full-time, term-limited DNCR employee subject to the conditions hereinafter set forth; and,

WHEREAS, DNCR has agreed to comply with the provisions and requests of the NCDOC and NCDPS to support said position hereinafter set forth;

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, to fund and support one (1) position within DNCR as contemplated in the Programmatic Agreement ("PA") entered into by the parties, dated April 25th, 2018 and incorporated by reference herein and attached as Appendix E, as follows:

SCOPE OF PROJECT:

1. DNCR agrees to maintain the one position listed below, and NCDOC agrees to fund the salary, employee benefits, and overhead items described in this AGREEMENT for this position, in accordance with the terms and conditions contained in this AGREEMENT.

One (1) position within the **State Historic Preservation Office (HPO)**:

- a) Historic Preservation/Restoration Specialist II – Grade 70
2. Pursuant to this AGREEMENT, the position's core activities shall be exclusively dedicated (100%) to NCDOC/NCDPS project work to provide expedited project delivery and coordination, technical assistance, document review and collaborative problem solving as identified in APPENDIX A, Position Description Summary, attached hereto and made a part hereof. The Parties agree that in addition to the core activities of the position, the position will include Inherent Activities as defined in Section 3 and that these Inherent Activities are within the scope of proper activities for which NCDOC will provide reimbursement under this AGREEMENT. Upon written request by DNCR, the NCDOC and NCDPS may approve (in writing and in its sole discretion) the performance of other activities not related to disaster recovery including, but not limited to, voluntary work activities that are generally available to other DNCR employees. Such written approval need not be sought in cases of state-or federally-declared emergencies (such as hurricanes, floods, tornadoes, or earthquakes).
 3. The position shall participate as a full-time DNCR employee with said inherent agency requirements, including, but not limited to, personnel training, staff meetings, agency public hearings, agency committees, administrative duties, and other required duties. (These inherent agency requirements are hereinbefore and hereinafter collectively referred to as "**Inherent Activities**"). The DNCR shall notify NCDOC/NCDPS in writing if the incumbent for this position is on leave for more than 30 consecutive calendar days, and the Parties shall reach a mutual agreement on how the core activities of the position will be met. The notification shall be required in advance for planned leave of more than 30

consecutive calendar days or shall be required immediately following the 30-day time period for any unplanned leave.

4. The position shall perform the job duties and responsibilities outlined in the abbreviated position descriptions included in APPENDIX A. The person in this position shall perform at a "meets expectations" or higher level, and if they fail to do so, DNCR shall take appropriate steps under the personnel rules to obtain this level of performance. In the event a job description summary must be amended, it must be done so with the mutual consent and written approval of the appropriate authorizing agents of both parties. If the agreed upon duties are not carried out, if work is undertaken by the position that is not related to the intent of this AGREEMENT, or if work is undertaken that is otherwise outside the scope of the position as defined herein, NCDOC and/or NCDPS shall have the option to terminate funding for the position and/or participation in this AGREEMENT in accordance with the procedure specified in this Paragraph. If NCDOC and/or NCDPS believes that the position is not performing as agreed upon in this AGREEMENT, then NCDOC and/or NCDPS shall notify DNCR in writing as to the nature of any discrepancy and shall give DNCR thirty (30) days to review and correct any discrepancy in accordance with this AGREEMENT. In the event that any discrepancy cannot be resolved then the process stated in Section 12 may be initiated. Notwithstanding the foregoing, NCDOC may not terminate funding for a position during a time when it is obligated under this AGREEMENT to pay short term disability for that position.
5. The position shall conduct their work in accordance with the Public Service Code of Conduct included in APPENDIX D.

REPORTING AND ACCOUNTABILITY SYSTEM:

6. The DNCR shall provide the required reporting and pre-approval as described in this AGREEMENT.
 - A. In conjunction with the reimbursement process noted in Section 8, the position must maintain quarterly records outlining the effort and time spent on the work, Inherent Activities, and activities as defined in APPENDIX A and herein. These records will account for one hundred percent (100%) of the time worked by each position, including time worked on non-NCDOC and/or NCDPS activities, if any, as approved by the NCDPS authorizing agent, and include quantifiable measures achieved in accordance with the Performance Measures identified in APPENDIX C, attached herein and made a part hereof. These quarterly records must be submitted to the NCDOC CDBG Business Officer within thirty (30) days following the end of each quarter and should be done in conjunction with the reimbursement process. The quarterly submittal deadlines are April 30, July 30, October 30, and January 30. In the event these dates occur on a nonbusiness day, reports must be submitted by the next business day. The format of the quarterly report shall be provided by NCDOC CDBG Business Officer following consultation with HPO.

- B. DNCR shall submit to NCDOC and NCDPS, at the end of the one-year term of this a AGREEMENT, a qualitative and quantitative programmatic report summarizing services provided by the position under the terms of this AGREEMENT. Said report shall include, but not be limited to, a narrative description of the contributions and value added to NCDOC's and NCDPS's programs, trend analysis of services and deliverables provided, quantifiable measures achieved in accordance with the Performance Measures included in APPENDIX C, and any efforts facilitating the disaster recovery process. Said report shall summarize the activities reported quarterly and shall be submitted no later than forty-five (45) days after the end of term of this AGREEMENT.
- C. Interim meetings between NCDOC, NCDPS, and DNCR may be held for the purpose of discussing the quality of work performed and the key accomplishments, setting of priorities and goals, reviewing quarterly provided on the said position and adherence to the Public Service Code of Conduct, included in APPENDIX D.
- D. In addition, two-way feedback and consultation can be initiated by any party at any time for the purposes of strategic planning, process improvement and for better service and communication.

BUDGET STATEMENT AND REIMBURSEMENT PROCEDURE:

- 7. Subject to compliance by the DNCR with the provisions set forth in this AGREEMENT, an annual budget shall be developed by the DNCR and shall be subject to approval by the NCDOC as follows:
 - A. Annual budgets shall be developed for the funded position and shall be subject to approval by the NCDOC CDBG Business Officer or his/her designee.
 - B. At a minimum, said annual budget must include line item appropriations for salary, retirement contribution, social security contribution, medical insurance contribution, office supplies, office furniture, travel, training, communication tools, information technology, and other employee benefits. NCDOC's's funding obligation for the positions includes all the employee compensation and benefits that DNCR is required by law or by personnel rule or policy to provide to the employee who fills the position that is the subject of this AGREEMENT except NCDOC is not obligated to fund or pay for workers' compensation claims in whole or in part.
 - C. ~~The DNCR may request budget revisions, if necessary. Written approval for revision is required from the NCDOC CDBG Business Officer or his/her designee. Upon approval, said budget revisions shall be deemed a part of this AGREEMENT.~~
 - D. DNCR shall obtain written pre-approval from the NCDOC CDBG Business Officer or his/her designee prior to any out-of-state travel for which reimbursement is requested.

- E. DNCR shall obtain written pre-approval from the NCDOC CDBG Business Officer or his/her designee prior to any training for which reimbursement is requested.
 - F. DNCR shall notify NCDOC in writing when the employee in the position is going on Short-Term Disability. NCDOC will cover the disability benefit for the period that DNCR cannot be reimbursed by the retirement system or other third-party source then in effect and available. NCDOC will not under any circumstances cover any Extended Short-Term or Long-Term Disability. The core activities for the position of anyone on Short Term Disability must follow the process prescribed in **Section 3**.
 - G. Without further approval of either Party, the minimum total budget amount for the time period from June 1, 2018 to June 30, 2019 shall be the amount of \$77,544.
8. Subject to compliance by DNCR with the provisions set forth in this AGREEMENT, NCDOC shall reimburse DNCR as follows:
- A. Time and effort reports for this position will be submitted monthly to NCDOC by DNCR. NCDOC shall reimburse DNCR based on monthly or quarterly invoices and quarterly reports submitted by DNCR. Reimbursement will be for the actual costs of the position up to the maximum reimbursement included in the negotiated annual budget for the position, within the HPO. For documentation and reimbursement purposes, monthly or quarterly invoices must be itemized. APPENDIX B includes a summary of the one-year budget projection and detailed line item breakdowns in support of the position. The Parties agree to the categories of reimbursables stated on the breakdown sheets in amounts determined by the budget process provided for in this AGREEMENT.
 - B. DNCR shall submit an invoice for the position within thirty (30) days following the end of each month or quarter. Each invoice shall contain appropriate documentation identifying the actual costs of the position as requested by NCDOC. The invoice for the position shall be submitted to the NCDOC CDBG Business Officer or his/her designee. Reimbursement shall be made upon approval of said invoice by the NCDOC CDBG Business Officer or his/her designee and NCDOC's Financial Management Division.
 - C. DNCR is solely responsible for all agreements, contracts, and work orders entered into or issued by DNCR. NCDOC shall not be liable for any expenses or obligations incurred except those provided for by this AGREEMENT. NCDOC shall not reimburse DNCR for any costs that exceed the total approved budget funding at any time.

In no event shall NCDOC reimburse DNCR any amount in excess of the maximum of this AGREEMENT, included in APPENDIX B, which is seventy-seven thousand five hundred forty-four dollars (\$77,544) over a period of time not to exceed eighteen months.

DNCR shall be responsible for maintaining appropriate records in accordance with state accounting procedures and regulations. Proper documentation, as requested by NCDOC, shall be submitted prior to any disbursement of funds by NCDOC. DNCR, as a component of the State of North Carolina, is subject to audit by the Office of the State Auditor. The Office of the State Auditor audits the DNCR in accordance with 2 CFR 200. Since the Office of the State Auditor makes this information available through the State of North Carolina Single Audit Report, NCDOC will accept this document in lieu of a separate, independent audit.

9. DNCR shall maintain all books, documents, papers, accounting records and such other evidence as may be appropriate to substantiate costs incurred under this AGREEMENT. Further, DNCR shall make such materials available at its offices at all reasonable times during the AGREEMENT period, and for five (5) years from the date of final payment under this AGREEMENT, for inspection and audit by NCDOC's Financial Management Division.
10. As the employer of the position, DNCR is fully responsible for handling and paying Workers' Compensation Claims that may be filed by the individual in the position covered by the AGREEMENT. This includes, but is not limited to, payment of medical expenses, disability claims associated with claims, and related attorney fees.

PERFORMANCE PERIOD

12. Subject to the provisions stated herein, the AGREEMENT shall be in effect from the date of execution through June 30, 2019, or until the programs covered by the Programmatic Agreement (PA) are complete, whichever event occurs last. During the six months prior to that event the signatories will consult to consider an extension or amendment.
 - A. Subject to any notice or cure period required or allowed by this Agreement, failure on the part of any party to comply with any of the provisions contained in the AGREEMENT shall be grounds for the other party/ies to terminate participation in this AGREEMENT.
 - B. In the event any party to this AGREEMENT should choose to withdraw from this AGREEMENT, written notification must be given to the Contracting Officer of the other agencies thirty (30) days prior to withdrawal.
 - C. All terms and conditions of this AGREEMENT are dependent upon and subject to the allocation of funds for the purpose set forth in the AGREEMENT, and the AGREEMENT shall automatically terminate if funds cease to be available. NCDOC will promptly notify DNCR if funding becomes unavailable or NCDOC learns funding is likely to become unavailable.

MODIFICATION:

SHPO PA for Hurricane Matthew – Appendix H

13. Any changes, amendments, corrections, or additions to this AGREEMENT or its APPENDICES herein, shall be in writing, shall be executed and approved by the appropriate Department Head, Authorized Agent or Contracting Officer of the parties who execute and approve the original AGREEMENT, shall be in accordance with applicable law, and shall become effective upon execution by all parties. This AGREEMENT can be extended by the mutual agreement of all parties.
14. If changes, amendments, corrections, reallocations, reclassifications or additions to this AGREEMENT or its APPENDICES are attempted or made by any party without following the prescribed process in Section 13 and excluding actions by the Office of State Personnel or the General Assembly, the other parties shall have the option to terminate the position or funding for it and/or participation in this AGREEMENT.

ADDITIONAL PROVISIONS:

15. When this AGREEMENT provides a party with a right of approval or concurrence, the party shall not unreasonably withhold the same.
16. It is mutually understood that the NCDOC may conduct periodic audits on the position as identified in this AGREEMENT. Said audits may examine time spent and the nature of work on NCDOC projects or the accounting records and receipts for the position.
17. Work proposed to be performed under this AGREEMENT by DNCR shall not be subcontracted or outsourced without prior written approval by the NCDOC CDBG Business Officer or his/her designee.
18. It is the policy of NCDOC not to enter into any agreement with parties that have been debarred by any government agency. By execution of this Agreement, DNCR certifies, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a governmental department or agency.
19. DNCR and its agents, including all contractors, sub-contractors, or sub-recipients, shall comply with the following federal policies: (a) Conflict of Interest; (b) Equal Employment Opportunity.
20. DNCR and its agents, including all contractors, sub-contractors, or sub-recipients, shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
21. DNCR and its agents, including all contractors, sub-contractors, or sub-recipients, agree to comply with the requirements of 49 CFR Part 20, New Restrictions on Lobbying.

22. DNCR and its agents, including all contractors, sub-contractors, or sub-recipients, agree to comply with 49 C.F.R. § 32.400, Drug-Free Workplace requirements under subpart B of 49 C.F.R. Part 32.
23. NCDOC, NCDPS, and DNCR are executive branch agencies of the State of North Carolina and, therefore, have no known legal authority to give indemnities. As between said parties, each party will be primarily liable to the other for damages caused by the party or its officers, agents, or employees acting within the course and scope of their employment with respect to the subject matter of this AGREEMENT, except to the extent that any such loss is actually reimbursed by a contractor or insurer. With respect to the claims of third parties, NCDOC, NCDPS, and DNCR hereto enjoy the State's sovereign immunity except as expressly waived by the North Carolina Tort Claim Act, Article 31 of Chapter 143 of the General Statutes of North Carolina, and may be liable only as therein provided. None of the parties will take any action that could or might compromise the sovereign immunity of the other.
24. In the event of a claim against any party to this AGREEMENT by a third party, which arises out of an action taken under this AGREEMENT, the party whose actions give rise to the claim shall be responsible for the defense of the claim and any ultimate liability determined; provided, however, that no party may waive the other's claim of sovereign immunity or similar defense. The parties to this AGREEMENT shall consult over the proper handling of such claims, and, in the event they cannot agree, shall seek the guidance of the Office of the Attorney General.
25. In no way shall it be construed or implied that NCDOC, NCDPS, or DNCR is by this AGREEMENT intending to abrogate its obligation and duty to comply with the regulations promulgated under federal and state law.
26. No changes in the scope of this AGREEMENT shall occur until the changes have been mutually agreed upon by all parties to this AGREEMENT, and approved in writing by the appropriate Department Head, Authorized Agent or Contracting Officer, as included in Sections 13 and 14 of this AGREEMENT.
27. By Executive Order 24, issued by Governor Perdue, and N.C.-G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies.
28. This AGREEMENT contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this AGREEMENT except as expressly set forth herein.
29. The parties hereby acknowledge that the individual executing the AGREEMENT on their behalf is authorized to execute this AGREEMENT on their behalf and to bind the

respective entities to the terms contained herein and that he has read this AGREEMENT, conferred with his attorney, and fully understands its contents.

30. The following shall survive the termination, expiration, or performance of this AGREEMENT: (a) all obligations and liabilities that accrue under this AGREEMENT before the termination, expiration, or performance of this AGREEMENT, (b) all obligations under this AGREEMENT to provide reports, documentation, or information to the other Party or to third parties, (c) all provisions of this AGREEMENT that impose an obligation after termination, expiration, or performance of this AGREEMENT, and (d) all obligations under this AGREEMENT which by their nature or context are intended to be performed after the termination, expiration, or performance of this AGREEMENT.
31. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of this AGREEMENT as binding as an original, and the parties agree that this AGREEMENT can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the AGREEMENT.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of NCDOC, NCDPS, and DNCR by authority duly given.

L.S. ATTEST:

NORTH CAROLINA DEPARTMENT OF
NATURAL AND CULTURAL
RESOURCES

BY: Jennifer Montes

BY: Henri Cherry

TITLE: Assistant to Secretary

TITLE: Deputy Secretary

DATE: 4/26/18

DATE: 4/26/2018

"N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

(SEAL)

Dwanna Patterson
(FINANCE OFFICER)

Federal Tax Identification Number

56 6062189

Remittance Address:

North Carolina Department of Natural and Cultural
Resources

4605 Mail service
Raleigh, NC 27699-4650

To the extent this agreement is a "Cooperative Agreement," as that term is defined by NCGS § 143B-24, and to the extent approval of the Department of Administration is required, approval is hereby given as indicated by signatures below.

DEPARTMENT OF COMMERCE

BY: George Sherrill
TITLE Chief of Staff
DATE 4/25/18

DEPARTMENT OF PUBLIC SAFETY

BY: Michael J. [Signature]
TITLE Director, NCEM
DATE 4/26/18

Appendix C

Programmatic Eight-Step Compliance Process Document for Floodplain Management

PROGRAMMATIC EIGHT-STEP COMPLIANCE PROCESS DOCUMENT

Executive Order 11988 – Floodplain Management

**North Carolina Department of Commerce
U.S. Department of Housing and Urban Development
Community Development Block Grant - Disaster Recovery
Homeowner Recovery and Rental Programs for Single-Family Housing**

Covered Proposed Actions:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel
2. Elevation with no substantial change in footprint on the same parcel
3. Reconstruction/replacement with no substantial change in footprint on the same parcel
7. Reimbursement to homeowners for previously-completed eligible repair activities

Wayne County, North Carolina

TABLE OF CONTENTS

INTRODUCTION

(A) Programmatic Eight-Step Compliance Process

- Step ONE: Determine if a Proposed Action is in the 100-year Floodplain
- Step TWO: Early Public Review
- Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the 100-year Floodplain
- Step FOUR: Identify the Impacts of the Proposed Actions
- Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values.
- Step SIX: Re-evaluate Alternatives
- Step SEVEN: Issue Findings and a Public Explanation
- Step EIGHT: Implement the Action

(B) List of Exhibits

1. Notice of Early Public Review and Proof of Publication (Step 2)
2. Notice of Final Public Review and Proof of Publication (Step 7)
3. Public Comments and the State's Responses

INTRODUCTION

Purpose

The U.S. Department of Housing and Urban Development (HUD)'s State of North Carolina Hurricane Matthew Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs were established to provide financial assistance to owners of single-family homes damaged by Hurricane Matthew who still have unmet needs that insurance, Federal Emergency Management Agency (FEMA), and any other sources of funding have not covered.

Executive Order (EO) 11988 "Floodplain Management" was enacted to "avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative." EO 11988 requires agencies to follow an eight-step decision-making process for projects within the special flood hazard area (SFHA, defined below) to assure alternatives are considered and guidelines are met. This Programmatic Eight-Step Compliance Process Document is being prepared following HUD-accepted practice for disaster-recovery projects for rehabilitation, elevation, and reconstruction of substantially-damaged single-family housing resulting from storm events.

Unmet single-family housing needs exist in Wayne County as a result of severe flooding and storm damage caused by Hurricane Matthew in October 2016. This Programmatic Eight-Step Compliance Process Document for Wayne County, North Carolina addresses the requirements of EO 11988 and has been completed in anticipation of numerous unspecified single-family housing (1 to 4 residential units, including mobile homes) properties participating in the CDBG-DR Homeowner Recovery and Rental Programs.

Selected Definitions

Base Flood - A term used in the FEMA National Flood Insurance Program (NFIP) to indicate the minimum size flood to be used by a community as a basis for its floodplain management regulations. The base flood is presently defined by regulation to be that flood which has a one-percent (1 percent) annual chance of being equaled or exceeded in any given year. For non-critical actions, the base flood is also known as a 100-year flood or a 1 percent annual chance flood.

Base Flood Elevation (BFE) - (1) The height in relation to mean sea level (MSL) expected to be reached by the waters of the base flood at specific points in the floodplain areas. (2) The elevation for which there is a 1 percent chance in any given year that flood levels will equal or exceed it. (3) The elevation shown on the Digital Flood Insurance Rate Map (DFIRM) for Zones A that indicates the water surface elevation resulting from a flood that has a 1 percent or greater chance of being equaled or exceeded in any given year. The BFE is generally based on statistical analysis of stream flow records for the watershed and rainfall and runoff characteristics in the general region of the watershed, and application of hydraulic backwater models.

Critical Action - Any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property. With respect to housing, critical actions include activities that create, maintain or extend the useful life of those structures or facilities that are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events (e.g., persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers).

Floodway or Regulatory Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Reconstruction/Replacement - Demolition and re-building of a stick-built housing unit or placement of a new mobile home on the same lot in substantially the same footprint and manner. Homes will be eligible for reconstruction/replacement in cases where the property has been completely destroyed or where the estimated cost to repair the structure to municipal and program standards would be more expensive than reconstruction/replacement. The use of the term “reconstruction” used throughout the remainder of this document is understood to include replacement of mobile homes.

Special Flood Hazard Area (SFHA) - The portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards. In Wayne County, SFHAs are shown on DFIRMs as Zones A, AE, A1-A30, A99, AH, AO, and AR for riverine floodplain areas. There are no coastal high hazard areas (Zones V, VE, and V1-V30) in Wayne County.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its “before damaged” condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially damaged are automatically considered to require substantial improvements, regardless of the actual repair work performed. If the structure is substantially damaged, then the structure must be elevated.

CDBG-DR Elevation Requirements

Per Section VI, Paragraph B of the November 21, 2016, Federal Register Notice FR-5989-N-01 (as referenced in the January 18, 2017, Federal Register Notice FR-6012-N-01 that allocated CDBG-DR funds to North Carolina for Hurricane Matthew recovery efforts), homes that are substantially damaged and receiving CDBG-DR funding for repair/rehabilitation or reconstruction must be elevated with the lowest floor (including the basement) at least two feet above the BFE. If Wayne County or local flood damage prevention ordinances include more stringent elevation requirements, homes must be elevated in accordance with the more stringent requirements of these ordinances.

Applicability of this Programmatic Eight-Step Compliance Process Document

This Programmatic Eight-Step Compliance Process Document covers four of the seven proposed actions under the Homeowner Recovery and Rental Programs for single-family housing (1-4 units). These four proposed actions are as follows:

1. Repair/rehabilitation (hereinafter referred to as “rehabilitation”) with no substantial change in

footprint on the same parcel;

2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

This Programmatic Eight-Step Compliance Process Document does not cover the following proposed actions under the CDBG-DR Homeowner Recovery and Rental Programs for single-family housing:

4. Relocation on previously-undisturbed land;
5. Acquisition for buyout; and
6. Acquisition for redevelopment as single-family housing.

Compliance with EO 11988 and the eight-step decision-making process will be performed on a site-by-site basis for these proposed actions.

The following statements further define the applicability of this Programmatic Eight-Step Compliance Process Document:

- Per 24 CFR 55.12(b)(2), the eight-step decision-making process is not required for minor repairs or improvements on single-family properties.
- Since single-family housing is not a critical action, the eight-step decision-making process is not required for properties that are located in the 500-year floodplain (a.k.a., 0.2 percent annual chance floodplain).
- Single-family properties that are located all or partially in a floodway will be deemed ineligible to receive CDBG-DR funding in accordance with HUD regulation 24 CFR 55 since single-family housing is not a functionally dependent use.

Step ONE: Determine if a Proposed Action is in the 100-Year Floodplain

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs are being implemented in response to severe flooding and storm damage caused by Hurricane Matthew in October 2016. These programs will provide CDBG-DR funding for eligible property owners of single-family homes in Wayne County that were damaged by Hurricane Matthew. These programs will fund activities necessary to restore storm-damaged homes, including rehabilitation, elevation, and reconstruction, within the same footprint on the same parcel. These programs will also reimburse costs incurred by property owners for eligible repairs completed within one year of the storm. These program activities address the County's need for housing, especially safe, decent, and affordable housing.

The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs. At this time, the exact locations of properties in Wayne County that are eligible for

Hurricane Matthew CDBG-DR single-family housing programs have not been identified. While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the SFHA. There are approximately 61,440 acres of FEMA-mapped SFHAs within Wayne County based upon the DFIRMS viewed at <http://fris.nc.gov/fris/>. SFHAs in Wayne County are designated on the DFIRMS as Zones AE, A, AO, AH, AR, and A99. Wayne County does not include any coastal high-hazard zones (V-designated zones).

Once an Applicant applies for a grant award, the Applicant's property address will be plotted using Geographic Information Systems (GIS) to more accurately determine the location of the Applicant's property in relation to the SFHA. A desk review of each property will be conducted to determine the geo-location of the parcel and if the parcel has any portion within the SFHA by geo-referencing with the DFIRMS viewed at <http://fris.nc.gov/fris/>.

Step TWO: Early Public Review

A "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in the Goldsboro News-Argus and La Conexion on May 30, 2018. The notice targeted local residents, including those in SFHAs. The notice was also sent to the following federal and state agencies on May 29, 2018: FEMA, USACE Wilmington District, the U.S. EPA, the North Carolina Department of Environmental Quality, and the North Carolina State Historic Preservation Office. In addition, the notice was sent to the Emergency Management Planner for Wayne County, the Community Relations Director for the City of Goldsboro, the Tribal Historic Preservation Officer and Chief of the Catawba Indian Nation, and a Representative of the Tuscarora Nation on May 29 and 30, 2018. See Exhibit 1 for the public notice; published notices and proofs of publication; and emails/letters to federal and state agencies, elected officials, and tribes. The 15-day public review period closed on June 15, 2018.

Three comments were received on this notice. See Exhibit 3 for the comments received and associated responses.

Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the 100-Year Floodplain

The proposed action and two practicable alternatives on a programmatic level were considered as discussed in the following paragraphs.

Proposed Alternative

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs will provide funding to eligible property owners for activities necessary to restore their storm-damaged single-family homes. It is anticipated that a subset of the storm-damaged homes in Wayne County will be both substantially-damaged and located in the SFHA. Activities covered by this Programmatic Eight-Step Compliance Process Document include rehabilitation, elevation, and reconstruction with no substantial change in footprint on the same parcel in the SFHA, and reimbursement to property owners that made eligible repairs to their homes in the SFHA within one year of the storm. Many property owners whose homes are located in the SFHA likely will be required to elevate their homes. Without financial support, the added costs of elevating

these houses will likely be overly burdensome for the majority of property owners. The proposed alternative will not result in a change in density or land use within the SFHA.

No Action Alternative

If the “No Action” alternative were to be implemented, substantially-damaged single-family homes located within the SFHA would not be rehabilitated, elevated, or reconstructed and eligible costs incurred by property owners within one year of the storm would not be reimbursed.

Following a major disaster, households who qualify as either low or moderate income are likely to have increased difficulty securing financing for necessary repairs, replacing damaged personal property, finding suitable rental housing, or paying for temporary housing or relocation expenses. For that reason, the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs target LMI households to prioritize housing rehabilitation assistance for those with greatest need. Without financial assistance to rehabilitate, elevate, or reconstruct their homes, these property owners may not be able to recover and have safe and affordable housing, and their homes would be more vulnerable to future flooding conditions.

Failure to reimburse costs incurred by property owners to repair their homes within one year of the storm would result in a negative effect on the individuals and the local economy. Property owners in future storm events may be dissuaded from making immediate and necessary repairs to their homes and property by encouraging them to wait for a possible recovery program. Homes would not be rehabilitated and would deteriorate.

The provision of safe, disaster resistant housing for residents impacted by Hurricane Matthew is critical to Wayne County’s long-term recovery strategy. By not fully addressing the need for safe, decent, and affordable housing, the long-term safety and stability of Wayne County would not be addressed, and the potential for adverse impacts associated with future storms and floods would be increased.

Home Buyout Alternative (Relocating the Applicant Outside the SFHA)

The “Home Buyout” alternative would involve the purchase of properties inside the SFHA that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the SFHA, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the SFHA.

The provision of safe, disaster resistant housing for residents impacted by Hurricane Matthew is critical to Wayne County’s long-term recovery strategy. The “Home Buyout” alternative would result in the financial ruin of many of the communities in Wayne County since there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the County as a whole to accommodate the vast number of Applicants that would be looking for pre-existing homes or new home sites. This would result in a large number of residents moving out of Wayne County which would destroy the fabric of many communities in the County and adversely impact the stability of the County’s economy.

Many property owners would not be willing to sell their homes because they do not want to leave their communities. Their damaged homes would remain unrepaired, often in conditions that are unsafe; and the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Step FOUR: Identify the Impacts of the Proposed Actions

SFHAs in Wayne County are generally areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. A position paper prepared by the Association of State Floodplain Managers (ASFPM) entitled *Natural and Beneficial Floodplain Functions: Floodplain Management - More than Flood Loss Reduction* dated September 16, 2008, identifies the following natural and beneficial functions of floodplains:

- Hydrologic and Hydraulic Processes: The seasonal and storm-generated variations in water flow (including periodic flooding) mold streambanks, keep erosion and accretion in equilibrium, replenish soils, recharge groundwater, and filter impurities. High flows are critical to maintaining vegetation because they transport sediment and nutrients from the river or lake to the connecting floodplain.
- Geomorphic Processes: The dimensions and configuration of a stream channel or lake shoreline are determined by ongoing geomorphic processes such as the natural transport of sediment.
- Biologic Processes: Floodplain vegetation helps to stabilize river banks and lake shorelines, provide habitat for terrestrial and aquatic wildlife, control erosion and sedimentation, and improve water quality by filtering pollutants. Healthy riparian corridors often provide the highest concentrations of plant and animal communities in a watershed which rely on variations in water conditions caused by flooding to support spawning, seed dispersal, elimination of competing vegetation, and nursery areas for their young.

The activities of the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs covered by this Programmatic Eight-Step Compliance Process Document (rehabilitation, elevation, reconstruction, and reimbursement of eligible costs incurred by property owners within one year of the storm) will be confined to the existing previously-disturbed footprint of the homes, thereby resulting in no change in density or land use within the SFHA. No direct or indirect adverse effects are anticipated on the natural environment or the related natural and beneficial functions and values of Wayne County's SFHAs beyond those that existed prior to Hurricane Matthew.

All substantially-damaged homes receiving Hurricane Matthew CDBG-DR funding under the Homeowner Recovery and Rental Programs must be elevated such that the lowest floor is a minimum of two feet above the BFE (or in accordance with more stringent County and local flood damage prevention ordinances) to facilitate unimpeded movement of flood waters across the property thereby reducing future damages from flooding. Overall this programmatic requirement results in a beneficial impact on the SFHA compared to current conditions as elevation of homes in the SFHA will improve the property's functionality as a floodplain.

All property owners receiving Hurricane Matthew CDBG-DR funding under the Homeowner Recovery and Rental Programs for homes located in the SFHA will be required to maintain flood insurance protection

on the property in accordance with NFIP into perpetuity, thereby reducing adverse impacts to life and property as a result of future storm events.

Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values.

As a programmatic requirement of the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially-damaged by Hurricane Matthew, are located in the SFHA, and receive CDBG-DR funds must be elevated such that the lowest floors (including basements) are at least two feet above the BFE, or in accordance with the elevation requirements of the County or local flood damage prevention ordinances if they are more stringent, to avoid future flood damage. Home elevation must also comply with accepted practices specified in North Carolina EO 123. In accordance with North Carolina EO 123, elevation in Zones AE, A, AO, AH, and A99 would be achieved by means of: a) pilings, columns (posts and piers), or shear walls parallel to the flow of water all of which would be adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood; or b) fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters across the property. Elevation of homes within the SFHA will serve to minimize the threat to life and property, minimize losses from flooding events, and benefit floodplain values.

Property owners whose homes are located in the SFHA and who receive Hurricane Matthew CDBG-DR assistance for rehabilitation, elevation, or reconstruction of their homes must maintain flood insurance on the property in accordance with NFIP into perpetuity to minimize adverse impacts to life and property as a result of future storm events. If an Applicant is found to have not maintained adequate flood insurance after receiving prior federal disaster assistance, their property will be deemed ineligible for Hurricane Matthew CDBG-DR assistance.

To reduce the hazards of damage from future flooding events, rehabilitation, elevation, and reconstruction of substantially-damaged homes (including mobile homes) located in the SFHA using Hurricane Matthew CDBG-DR Homeowner Recovery or Rental Program funds will be required to meet flood resistant construction requirements in accordance with 44 CFR 60.3 and North Carolina EO 123 Section 9. 44 CFR 60.3 and North Carolina EO 123 Section 9 specify that substantial improvements:

- Shall be designed (or modified) and anchored as to prevent flotation, collapse, or lateral movement of the structure (including mobile homes);
- Shall be constructed with materials and utility equipment resistant to flood damage;
- Shall be constructed by methods and practices that minimize flood damage;
- Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding;

- Replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; and
- Replacement sanitary sewer systems shall be located and constructed to minimize infiltration of flood waters into the systems and discharges from the systems into flood waters.

These comprehensive building standards incorporate flood mitigation measures and promote long-term community resiliency that will preserve the lives of residents, support community revitalization, and protect the environment.

Best management practices will be employed throughout the construction process to minimize potential indirect impacts to surrounding areas in the SFHA.

Step SIX: Re-evaluate Alternatives

Proposed Alternative

Based upon a review of the practical alternatives for single-family homes that are located in the SFHA in Wayne County and were substantially-damaged as a result of Hurricane Matthew, rehabilitation, elevation, reconstruction, and reimbursement of eligible repair costs incurred by property owners within one year of Hurricane Matthew under the CDBG-DR Homeowner Recovery and Rental Programs is deemed the best alternative. There will be no increase in density or change in land use as a result of these actions since all work will be conducted within existing building footprints. Homes will be elevated thereby improving the functionality of the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Wayne County as a whole. These actions will provide safe, disaster resistant, and affordable housing for residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Wayne County.

No Action Alternative

The “No Action” alternative would mean that property owners whose homes are located in the SFHA and were substantially-damaged as a result of Hurricane Matthew would not receive funding for needed rehabilitation, elevation, or reconstruction; and comprehensive building standards that incorporate flood mitigation measures would not be implemented. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority of LMI property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes to the mandated two feet above the BFE (or more stringent County or local ordinance elevation requirements), their homes would be more vulnerable to future storms and floods with continued risk to both life and property, and their property’s functionality as a floodplain would not be improved.

Without financial assistance for property owners to rehabilitate, elevate, and/or reconstruct their storm-damaged homes, Wayne County would not recover from the impacts of Hurricane Matthew, and the County would lack the long-term resiliency needed to minimize impacts from future storms. The “No

Action” alternative would not address Wayne County’s need for safe, decent, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the County.

The “No Action” alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within one year of the storm. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures outlined in North Carolina EO 123 as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain. The financial burden of the costs incurred and not reimbursed under the “No Action” alternative would result in a negative effect on the individuals and the local economy. Property owners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate.

Home Buyout Alternative

The “Home Buyout” alternative would involve the purchase of properties inside the SFHA that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the SFHA, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the SFHA. The “Home Buyout” alternative would result in the social and financial ruin of many of the communities in Wayne County since there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the County as a whole to accommodate the vast number of property owners that would be looking for pre-existing homes or new home sites outside the SFHA to which they could relocate. This would result in a large number of residents moving out of Wayne County which would adversely impact the stability of the County’s economy. Many homeowners would not be willing to sell their homes because they do not want to leave their communities. Their damaged homes would remain unrepaired (often in conditions that are unsafe) and would not be elevated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although the “Home Buyout” alternative returns the floodplain to its natural state and is most protective to the individual since it results in them being relocated outside the SFHA, these benefits come at additional cost. The costs for elevation and flood mitigation measures for the old home as well as flood insurance would no longer be incurred; however, there would be costs for demolition and removal of debris. These costs are in addition to the purchase price of the home which can be expected to start at 100 percent of the property’s pre-storm fair market value, possible buyout incentives, and gap assistance between the price at which the state acquires the old home and the cost of the new home outside the SFHA. In addition, implementation of the “Home Buyout” alternative would require site-specific implementation of the eight-step decision-making process for floodplain management which would result in higher administrative costs on a programmatic level.

Step SEVEN: Issue Findings and a Public Explanation

A “Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain” was published in the Goldsboro News-Argus on July 5, 2018, and La Conexion on July 11, 2018. The notice stated the reasons why the project must be located in the floodplain, presented a list of alternatives considered at Steps 3 and 6, and described all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. The public notice, published notices and proofs of publication, and emails/letters to federal and state agencies, elected officials, and Tribes are provided in Exhibit 2. The 7-day public comment period closed on July 12, 2018.

One comment was received on this notice. See Exhibit 3 for the comment received and associated response.

Step EIGHT: Implement the Action

Step eight is implementation of the proposed action. The Responsible Entity will ensure that all mitigation measures prescribed in Step 5 are adhered to.

EXHIBIT I

NOTICE OF EARLY PUBLIC REVIEW AND PROOF OF PUBLICATION (STEP 2)

**EARLY NOTICE AND PUBLIC REVIEW
OF A PROPOSED ACTIVITY
IN A 100-YEAR FLOODPLAIN**

May 30, 2018

To: All Interested Agencies, Groups & Individuals

This is to give notice that the State of North Carolina has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the State has directed approximately \$15,440,000 from its total allocation of funds to Wayne County for Hurricane Matthew recovery efforts. The State's priority for this funding is to address single-family housing recovery needs in municipalities in Wayne County that were affected by Hurricane Matthew. The best available data suggest that 523 homes in Wayne County) sustained damage due to Hurricane Matthew and may seek funding through this program. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew.

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of FEMA-mapped floodplain within Wayne County. Flood Insurance Rate Maps (FIRMs) may be viewed at <http://fris.nc.gov/fris/>. Land areas that are at high risk for flooding in Wayne County are called special flood hazard areas (SFHAs), or 100-year floodplains. SFHAs in Wayne County are designated on the FIRMs as Zones AE, A, AO, AH, AR, and A99.

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public education

tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

This notice with request for comment has also been mailed to the County, FEMA, USACE Wilmington District, the US Environmental Protection Agency, the North Carolina Department of Environmental Quality, the North Carolina State Historic Preservation Office, the Catawba Indian Nation, and the Tuscarora Nation.

All interested persons, groups, and agencies are invited to submit written comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce (NCDOC) - the Responsible Entity for the proposed activity, the North Carolina Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Nicholas Burk, Assistant Director Resiliency, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to Nicholas.Burk@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 15 calendar day comment period will begin the day after publication and end on the 16th day after publication. All comments must be received on or before June 15, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared _____
Amy Records

who being first duly sworn, deposes and says: that he (she) is

Legal Clerk

(Publisher, or other officer or employee authorized to make affidavit) of WAYNE PRINTING COMPANY, INC., engaged in the publication of a newspaper known as GOLDSBORO NEWS-ARGUS, published, issued, and entered as second class mail in the city of Goldsboro in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in GOLDSBORO NEWS-ARGUS on the following dates:

May 30, 2018

Legal #398

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each, and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 30th day of May, 2018

Amy Records
(Signature of person making affidavit)

Sworn to and subscribed before me, this 30th day of

May

2018

Deanne J. Boyette
Notary Public

My Commission expires:

2/17/2019

CLIPPING OF LEGAL ADVERTISEMENT ATTACHED HERE

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

May 30, 2018

To: All Interested Agencies,
Groups & Individuals

This is to give notice that the State of North Carolina has conducted an evaluation as required by Executive Order 11888, in accordance with HUD regulations at 24 CFR 55.20, Subpart C, Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Community Development Block Grant, Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs (CDBG-DR) will have on the human environment.

As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the State has directed approximately \$15,440,000 from its total allocation of funds to Wayne County for Hurricane Matthew recovery efforts. The State's priority for this funding is to address single-family housing recovery needs in municipalities in Wayne County that were affected by Hurricane Matthew. The best available data suggest that 1,623 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through this program. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew. While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of FEMA-mapped floodplain within Wayne County. Flood Insurance Rate Maps (FIRMs) may be viewed at <http://firms.mnc.gov/firms/>. Land areas that are at high risk for flooding in Wayne County are called Special Flood Hazard Areas (SFHAs), or 100-year floodplains. SFHAs in Wayne County are designated on the FIRMs as Zones A, AE, AH, AO, and X.

Floodplains are areas that are periodically flooded (at different points in time). Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that

perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be at greater or continued risk.

This notice with request for comment has also been mailed to the County, FEMA, USACE, Wilmington District, the US Environmental Protection Agency, the North Carolina Department of Environmental Quality, the North Carolina State Historic Preservation Office, the Catawba Indian Nation, and the Tuscarora Nation.

All interested persons, groups, and agencies are invited to submit written comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce (NCDOR), the Responsible Entity for the proposed activity, the North Carolina Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Nicholas Burk, Assistant Director Resiliency, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27689-4238. Alternatively, comments may be emailed to Nicholas.Burk@ncdcr.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 15-calendar-day comment period will begin the day after publication and end on the 16th day after publication. All comments must be received on or before June 15, 2018 to receive consideration. Further information can be found at the program website <https://resiliency.nc.gov/> or by contacting NCEM at 919-825-2500. Legal #398 May 30, 2018

AVISO TEMPRANO Y REVISIÓN PÚBLICA DE UNA ACTIVIDAD PROPUESTA EN UNA LLANURA ALUVIAL DE 100 AÑOS

Mayo 30, 2018

A: Todas las agencias, grupos e individuos interesados

La presente es para notificar que el Estado de Carolina del Norte ha realizado una evaluación según lo exige la Orden Ejecutiva 11988, de conformidad con las reglamentaciones de HUD en 24 CFR 55.20 Sub-parte C: Procedimientos para Hacer Determinaciones en la Gestión de Zonas de Inundación, para determinar el efecto potencial que sus actividades propuestas en la llanura aluvial de 100 años (en lo adelante, llanura aluvial), para la Subvención Global para el Desarrollo Comunitario - Recuperación de Desastres (CDBG DR) Programas de Alquiler y Recuperación de Propietarios bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383), tendrán en el ambiente humano.

Como se especifica en el Plan de Acción CDBG-DR del Estado de Carolina del Norte modificado por la Enmienda Sustancial 1 del Plan de Acción CDBG-DR del Estado de Carolina del Norte, el Estado ha destinado aproximadamente \$ 15,440,000 de su asignación total de fondos al Condado de Wayne para los esfuerzos de recuperación del Huracán Matthew. La prioridad del Estado para este financiamiento es abordar las necesidades de recuperación de viviendas unifamiliares en los municipios del Condado de Wayne que fueron afectadas por el huracán Matthew. La mejor información disponible sugiere que 523 viviendas en el Condado de Wayne sufrieron daños debido al huracán Matthew y pueden solicitar fondos a través de este programa. Todas las casas reconstruidas dentro de una llanura aluvial se construirán en el mismo lugar y serán elevadas.

Las actividades propuestas para viviendas unifamiliares bajo los Programas de Alquiler y Recuperación de Propietarios incluyen: reparación / rehabilitación; elevación; reconstrucción; y el reembolso de los costos de reparación incurridos por los propietarios hasta por un año del huracán Matthew.

Mientras que el proceso de confirmación de las ubicaciones de las casas dentro del Condado de Wayne se encuentra actualmente en progreso, algunas de las solicitudes potenciales se pueden encontrar dentro de la llanura aluvial. Hay aproximadamente 61,440 acres de llanuras aluviales ubicadas por la FEMA dentro del Condado de Wayne. Los Mapas de Tasas de Seguro Contra Inundaciones (FIRM) se pueden ver en <http://fris.nc.gov/fris/>. Las áreas de tierra que tienen un alto riesgo de inundación en el Condado de Wayne se denominan áreas especiales de peligro de inundación (SFHA) o llanuras aluviales de 100 años. Las SFHA en el Condado de Wayne están designadas en las FIRM como zonas AE, A, AO, AH, AR y A99.

Las llanuras aluviales son áreas adyacentes a ríos, lagunas y lagos que se inundan periódicamente en diferentes puntos en el tiempo. Las llanuras aluviales son áreas hidrológicamente importantes, ambientalmente sensibles y ecológicamente productivas que realizan muchas funciones naturales. Las llanuras aluviales son beneficiosas para la vida silvestre al crear una variedad de hábitats para peces y otros animales. Además, son importantes debido al almacenamiento y transporte de agua y de la protección de su calidad y de la recarga de agua subterránea.

Hay tres propósitos principales para este aviso. En primer lugar, las personas que pueden verse afectadas por las actividades en las llanuras aluviales y aquellas que tienen un interés en la protección del medio ambiente natural deben tener la oportunidad de expresar sus inquietudes y proporcionar información sobre estas áreas. Se alienta a los comentaristas a ofrecer métodos alternativos para servir al mismo propósito del proyecto y métodos para minimizar y mitigar los impactos. En segundo lugar, un programa de notificación pública adecuado puede ser una herramienta importante de educación pública. La disseminación de información sobre las llanuras aluviales puede facilitar y mejorar los esfuerzos federales para reducir los riesgos asociados con la ocupación y modificación de esas áreas especiales. En tercer lugar, como una cuestión de equidad, cuando el gobierno federal determine que participará en acciones que tengan lugar en las llanuras aluviales, debe informar a quienes pueden estar expuestos a un riesgo mayor o continuo.

Este aviso con solicitud a comentarios también se envió por correo al Condado, FEMA, Distrito de Wilmington USACE, la Agencia de Protección Ambiental de los EE. UU., al Departamento de Calidad Ambiental de Carolina del Norte, a la Oficina de Preservación Histórica del Estado de Carolina del Norte y a la Nación India Catawba y la Nación Tuscarona.

Se invita a todas las personas, grupos y agencias interesadas a enviar comentarios por escrito sobre el uso propuesto de los fondos federales para apoyar la actividad propuesta en una llanura aluvial. Actuando en nombre del Departamento de Comercio de Carolina del Norte (NCDOC) la Entidad Responsable de la actividad propuesta, la Administración de Emergencias de Carolina del Norte (NCEM) aceptará comentarios por escrito durante los horarios de 9:00 AM a 5:00 PM entregados a: Nicholas Burk, Assistant Director Resiliency, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternativamente, los comentarios pueden enviarse por correo electrónico a Nicholas.Burk@ncdps.gov con el título del asunto "Attention: Disaster Recovery Comments". El período mínimo de comentarios de 15 días calendario comenzará el día después de la publicación y finalizará el día 16to después de la publicación. Todos los comentarios deben recibirse a más tardar el 15 de junio de 2018 para recibir su consideración. Se puede encontrar más información en el sitio web del programa <https://rebuild.nc.gov/>, o comunicándose con NCEM al 919-825-2500.

AVISO TEMPRANO Y REVISIÓN PÚBLICA DE UNA ACTIVIDAD PROPUESTA EN UNA LLANURA ALUVIAL DE 100 AÑOS

Mayo 30, 2018

A: Todas las agencias, grupos e individuos interesados

La presente es para notificar que el Estado de Carolina del Norte ha realizado una evaluación según lo exige la Orden Ejecutiva 11988, de conformidad con las reglamentaciones de HUD en 24 CFR 55.20 Sub-parte C: Procedimientos para Hacer Determinaciones en la Gestión de Zonas de Inundación, para determinar el efecto potencial que sus actividades propuestas en la llanura aluvial de 100 años (en lo adelante, llanura aluvial), para la Subvención Global para el Desarrollo Comunitario - Recuperación de Desastres (CDBG DR) Programas de Alquiler y Recuperación de Propietarios bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383), tendrán en el ambiente humano.

Como se especifica en el Plan de Acción CDBG-DR del Estado de Carolina del Norte modificado por la Enmienda Sustancial 1 del Plan de Acción CDBG-DR del Estado de Carolina del Norte, el Estado ha destinado aproximadamente \$ 21,260,000 de su asignación total de fondos al Condado de Cumberland para los esfuerzos de recuperación del Huracán Matthew. La prioridad del Estado para este financiamiento es abordar las necesidades de recuperación de viviendas unifamiliares en los municipios del Condado de Cumberland que fueron afectadas por el huracán Matthew. La mejor información disponible sugiere que 507 viviendas en el Condado de Cumberland sufrieron daños debido al huracán Matthew y pueden solicitar fondos a través de este programa.

Las actividades propuestas para viviendas unifamiliares bajo los Programas de Alquiler y Recuperación de Propietarios incluyen: reparación / rehabilitación; elevación; reconstrucción; y el reembolso de los costos de reparación incurridos por los propietarios hasta por un año del huracán Matthew. Todas las casas reconstruidas dentro de una llanura aluvial se construirán en el mismo lugar y serán elevadas.

Mientras que el proceso de confirmación de las ubicaciones de las casas dentro del Condado de Cumberland se encuentra actualmente en progreso, algunas de las solicitudes potenciales se pueden encontrar dentro de la llanura aluvial. Hay aproximadamente 36,480 acres de llanuras aluviales ubicadas por la FEMA dentro del Condado de Cumberland. Los Mapas de Tasas de Seguro Contra Inundaciones (FIRM) se pueden ver en <http://fris.nc.gov/fris/>. Las áreas de tierra que tienen un alto riesgo de inundación en el Condado de Cumberland se denominan áreas especiales de peligro de inundación (SFHA) o llanuras aluviales de 100 años. Las SFHA en el Condado de Cumberland están designadas en las FIRM como zonas AE, A, AO, AH, AR y A99.

Las llanuras aluviales son áreas adyacentes a ríos, lagunas y lagos que se inundan periódicamente en diferentes puntos en el tiempo. Las llanuras aluviales son áreas hidrológicamente importantes, ambientalmente sensibles y ecológicamente productivas que realizan muchas funciones naturales. Las llanuras aluviales son beneficiosas para la vida silvestre al crear una variedad de hábitats para peces y otros animales. Además, son importantes debido al almacenamiento y transporte de agua y de la protección de su calidad y de la recarga de agua subterránea.

Hay tres propósitos principales para este aviso. En primer lugar, las personas que pueden verse afectadas por las actividades en las llanuras aluviales y aquellas que tienen un interés en la protección del medio ambiente natural deben tener la oportunidad de expresar sus inquietudes y proporcionar información sobre estas áreas. Se alienta a los comentaristas a ofrecer métodos alternativos para servir al mismo propósito del proyecto y métodos para minimizar y mitigar los impactos. En segundo lugar, un programa de notificación pública adecuado puede ser una herramienta importante de educación pública. La disseminación de información sobre las llanuras aluviales puede facilitar y mejorar los esfuerzos federales para reducir los riesgos asociados con la ocupación y modificación de esas áreas especiales. En tercer lugar, como una cuestión de equidad, cuando el gobierno federal determine que participará en acciones que tengan lugar en las llanuras aluviales, debe informar a quienes pueden estar expuestos a un riesgo mayor o continuo.

Este aviso con solicitud a comentarios también se envió por correo al Condado, FEMA, Distrito de Wilmington USACE, la Agencia de Protección Ambiental de los EE. UU., al Departamento de Calidad Ambiental de Carolina del Norte, a la Oficina de Preservación Histórica del Estado de Carolina del Norte y a la Nación India Catawba.

Se invita a todas las personas, grupos y agencias interesadas a enviar comentarios por escrito sobre el uso propuesto de los fondos federales para apoyar la actividad propuesta en una llanura aluvial. Actuando en nombre del Departamento de Comercio de Carolina del Norte (NCDOC) la Entidad Responsable de la actividad propuesta, la Administración de Emergencias de Carolina del Norte (NCEM) aceptará comentarios por escrito durante los horarios de 9:00 AM a 5:00 PM entregados a: Nicholas Burk, Assistant Director Resiliency, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternativamente, los comentarios pueden enviarse por correo electrónico a Nicholas.Burk@ncdps.gov con el título del asunto "Attention: Disaster Recovery Comments". El período mínimo de comentarios de 15 días calendario comenzará el día después de la publicación y finalizará el día 16to después de la publicación. Todos los comentarios deben recibirse a más tardar el 15 de junio de 2018 para recibir su consideración. Se puede encontrar más información en el sitio web del programa <https://rebuild.nc.gov/>, o comunicándose con NCEM al 919-825-2500.

Nora Zirps

From: Nora Zirps
Sent: Tuesday, May 29, 2018 2:31 PM
To: craig.brown@waynegov.com; ssimpson@goldsboronc.gov; dan.brubaker@ncdps.gov; Scott.C.McLendon@usace.army.mil; Henry.M.Wicker.JR@usace.army.mil; Militscher.Chris@epa.gov; linda.culpepper@ncdenr.gov; Melanie.williams@ncdenr.gov; karen.higgins@ncdenr.gov; Renee.Gledhill-Earley@ncdcr.gov; bill.harris@catawbaindian.net; wenonahh@ccppcrafts.com; eosahwee-voss@ukb-nsn.gov; hollymaustin94@gmail.com; bprintup@hetf.org
Cc: ipayne@nccommerce.com; Maribel.Marquez@ncdps.gov; Daniel.Herrera@ncdps.gov; Prakash, Jagadish; Chris Ward; Shumate, Christy; Wilmot, Kory
Subject: Hurricane Matthew CDBG-DR Single-Family Housing Programs - Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain in Wayne County, North Carolina
Attachments: NC Hurricane Matthew CDBG-DR Early Public Notice - Wayne - FINAL.pdf; SFHA Map for Wayne County.pdf

To: Interested Agencies

This is to give notice that the State of North Carolina has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the State has directed approximately \$15,440,000 from its total allocation of funds to Wayne County for Hurricane Matthew recovery efforts. The State's priority for this funding is to address single-family housing recovery needs in municipalities in Wayne County that were affected by Hurricane Matthew. The best available data suggest that 523 homes in Wayne County) sustained damage due to Hurricane Matthew and may seek funding through this program. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew.

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of FEMA-mapped floodplain within Wayne County. Flood Insurance Rate Maps (FIRMs) may be viewed at <http://fris.nc.gov/fris/>. Land areas that are at high risk for flooding in Wayne County are called special flood hazard areas (SFHAs), or 100-year floodplains. SFHAs in Wayne County are designated on the FIRMs as Zones AE, A, AO, AH, AR, and A99.

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

The State of North Carolina is seeking your comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce (NCDOC) - the Responsible Entity for the proposed activity, the North Carolina Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Nicholas Burk, Assistant Director Resiliency, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to Nicholas.Burk@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 15 calendar day comment period will begin the day after publication and end on the 16th day after publication. All comments must be received on or before June 15, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

Attachments:

Wayne County SFHA map

Notice scheduled to be published in the Goldsboro News-Argus and La Conexion on May 30, 2018

Nora A. Zirps, PE, RSM

ESP Associates, Inc.

7011 Albert Pick Road, Suite E

Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell

Nora Zirps

From: Nora Zirps
Sent: Tuesday, May 29, 2018 3:35 PM
To: 'FEMA-R4EHP@fema.dhs.gov'
Cc: 'Stephanie.Madson@fema.dhs.gov'; 'ipayne@nccommerce.com'; Marquez, Maribel (Maribel.Marquez@ncdps.gov); 'Daniel.Herrera@ncdps.gov'; 'Prakash, Jagadish'; Chris Ward; 'Shumate, Christy'; 'Wilmot, Kory'
Subject: EO11988/NEPA EHP Reviewer - Hurricane Matthew CDBG-DR Single-Family Housing Programs - Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain in Wayne County, North Carolina
Attachments: NC Hurricane Matthew CDBG-DR Early Public Notice - Wayne - FINAL.pdf; SFHA Map for Wayne County.pdf

To: Interested Agencies

This is to give notice that the State of North Carolina has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the State has directed approximately \$15,440,000 from its total allocation of funds to Wayne County for Hurricane Matthew recovery efforts. The State's priority for this funding is to address single-family housing recovery needs in municipalities in Wayne County that were affected by Hurricane Matthew. The best available data suggest that 523 homes in Wayne County) sustained damage due to Hurricane Matthew and may seek funding through this program. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew.

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of FEMA-mapped floodplain within Wayne County. Flood Insurance Rate Maps (FIRMs) may be viewed at <http://fris.nc.gov/fris/>. Land areas that are at high risk for flooding in Wayne County are called special flood hazard areas (SFHAs), or 100-year floodplains. SFHAs in Wayne County are designated on the FIRMs as Zones AE, A, AO, AH, AR, and A99.

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

The State of North Carolina is seeking your comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce (NCDOC) - the Responsible Entity for the proposed activity, the North Carolina Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Nicholas Burk, Assistant Director Resiliency, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to Nicholas.Burk@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 15 calendar day comment period will begin the day after publication and end on the 16th day after publication. All comments must be received on or before June 15, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

Attachments:

Wayne County SFHA map

Notice scheduled to be published in the Goldsboro News-Argus and La Conexion on May 30, 2018

Nora A. Zirps, PE, RSM

ESP Associates, Inc.

7011 Albert Pick Road, Suite E

Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

May 30, 2018

Ms. Wenonah G. Haire, DMD
Tribal Historic Preservation Officer
c/o Caitlin Rogers
1536 Tom Steven Road
Rock Hill, SC 29730

RE: Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain
Wayne County, North Carolina
Hurricane Matthew CDBG-DR Single-Family Housing Programs

Dear Ms. Haire:

This is to give notice that the State of North Carolina has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the State has directed approximately \$15,440,000 from its total allocation of funds to Wayne County for Hurricane Matthew recovery efforts. The State's priority for this funding is to address single-family housing recovery needs in municipalities in Wayne County that were affected by Hurricane Matthew. The best available data suggest that 523 homes in Wayne County) sustained damage due to Hurricane Matthew and may seek funding through this program. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

received on or before June 15, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Bill Harris - Chief Catawba Indian Nation
Nicholas Burk - NCEM, Assistant Director Resiliency
Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash - AECOM, Environmental Assessor
Christy Shumate - AECOM, Environmental Assessor

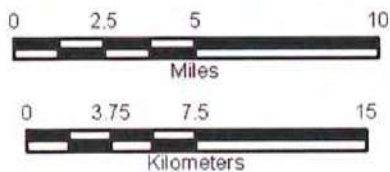
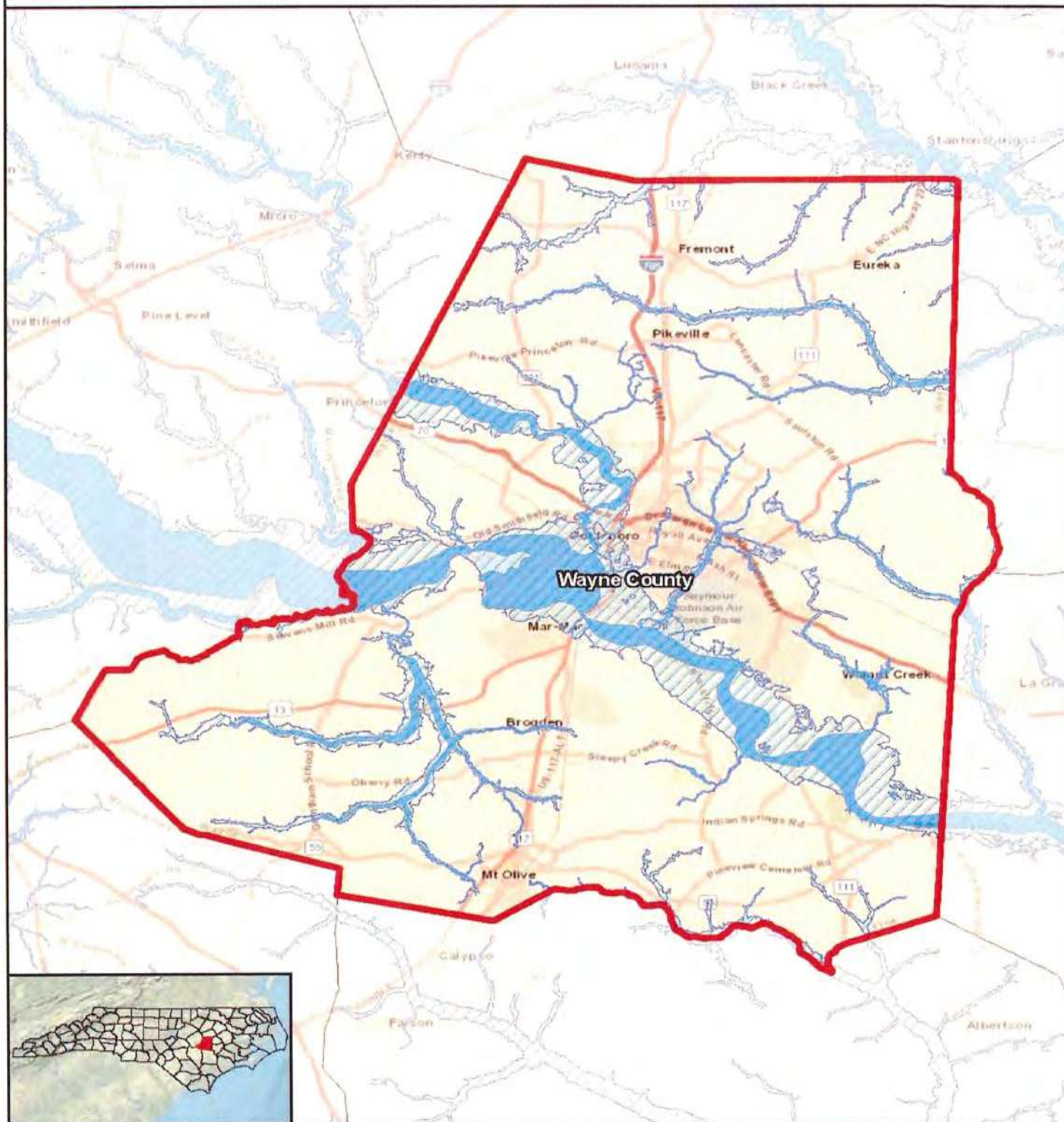
Attachments:

Wayne County SFHA map

Notice scheduled to be published in the Goldsboro News-Argus and La Conexion on May 30, 2018



North Carolina Emergency Management



Tier 1 Area of Review



FEMA Floodway



FEMA Special Flood Hazard Area

Wayne County Map

**EARLY NOTICE AND PUBLIC REVIEW
OF A PROPOSED ACTIVITY
IN A 100-YEAR FLOODPLAIN**

May 30, 2018

To: All Interested Agencies, Groups & Individuals

This is to give notice that the State of North Carolina has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the State has directed approximately \$15,440,000 from its total allocation of funds to Wayne County for Hurricane Matthew recovery efforts. The State's priority for this funding is to address single-family housing recovery needs in municipalities in Wayne County that were affected by Hurricane Matthew. The best available data suggest that 523 homes in Wayne County) sustained damage due to Hurricane Matthew and may seek funding through this program. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew.

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of FEMA-mapped floodplain within Wayne County. Flood Insurance Rate Maps (FIRMs) may be viewed at <http://fris.nc.gov/fris/>. Land areas that are at high risk for flooding in Wayne County are called special flood hazard areas (SFHAs), or 100-year floodplains. SFHAs in Wayne County are designated on the FIRMs as Zones AE, A, AO, AH, AR, and A99.

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be

given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

This notice with request for comment has also been mailed to the County, FEMA, USACE Wilmington District, the US Environmental Protection Agency, the North Carolina Department of Environmental Quality, the North Carolina State Historic Preservation Office, the Catawba Indian Nation, and the Tuscarora Nation.

All interested persons, groups, and agencies are invited to submit written comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce (NCDOC) - the Responsible Entity for the proposed activity, the North Carolina Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Nicholas Burk, Assistant Director Resiliency, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to Nicholas.Burk@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 15 calendar day comment period will begin the day after publication and end on the 16th day after publication. All comments must be received on or before June 15, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

EXHIBIT 2

NOTICE OF FINAL PUBLIC REVIEW AND PROOF OF PUBLICATION (STEP 7)

**FINAL NOTICE AND PUBLIC EXPLANATION
OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN**

July 11, 2018

To: All Interested Agencies, Groups & Individuals

This is to give notice that the North Carolina Division of Emergency Management (NCEM) on behalf of the Responsible Entity, the North Carolina Department of Commerce (NCDOC), has conducted an evaluation as required by Executive Order 11988, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Hurricane Matthew Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

In accordance with that process, the state has made a final determination that locating the proposed activity in the floodplain is the best alternative as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision-making process.

Proposed Activity in the Floodplain

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of Federal Emergency Management Agency (FEMA) mapped floodplain within Wayne County based on the current Flood Insurance Rate Maps (FIRMs) available at <http://fris.nc.gov/fris/>.

Reasons Why the Activity Must be Located in the Floodplain

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs will provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Wayne County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within one year of Hurricane Matthew. The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through these programs. Some of the potential applications are anticipated to be located within the floodplain.

As a result of the proposed activity, there will be no increase in density or change in land use since all work will be conducted within existing building footprints. Homes will be elevated thereby improving the functionality of the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat

to life and property from future storms and flooding, thereby providing resiliency to individuals and Wayne County as a whole. These actions will provide safe, disaster resistant, and affordable housing for residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Wayne County.

List of the Alternatives Considered

Two alternatives to locating the proposed activity in the floodplain were considered: “No Action”; and “Home Buyout”.

No Action

The “No Action” alternative would mean that residential property owners whose homes are located in the floodplain and were substantially-damaged (i.e., repair costs exceed 50 percent of the structure’s pre-disaster market value) as a result of Hurricane Matthew would not receive financial assistance for needed repairs/rehabilitation, elevation, or reconstruction; and comprehensive building standards that incorporate flood mitigation measures would not be implemented. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority of property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes, their homes would be more vulnerable to future storms and floods with continued risk to both life and property, and their property’s functionality as a floodplain would not be improved. Furthermore, Wayne County would not recover from the impacts of Hurricane Matthew, and the County would lack the long-term resiliency needed to minimize impacts from future storms. The “No Action” alternative would not address the County’s need for safe, disaster resistant, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the County.

The “No Action” alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within one year of Hurricane Matthew. Lack of reimbursement assistance would result in a negative effect on the individuals and the local economy. Homeowners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain.

Home Buyout

The “Home Buyout” alternative would involve the purchase of properties inside the floodplain that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the floodplain, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the floodplain. The “Home Buyout” alternative would result in the social and financial ruin of many of the communities in Wayne County since there is currently an

inadequate supply of safe, decent, and affordable housing in those communities and in the County as a whole to accommodate the vast number of property owners that would be looking for pre-existing homes or new home sites outside the floodplain to which they could relocate. This would result in a large number of residents moving out of Wayne County which would adversely impact the stability of the County's economy. Many property owners would not be willing to sell their homes because they do not want to leave their communities. Their damaged homes would remain unrepaired (often in conditions that are unsafe) and would not be elevated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although the "Home Buyout" alternative returns the floodplain to its natural state and is most protective to the individual since it results in them being relocated outside the floodplain, these benefits come at additional cost. Savings avoided by not elevating the homes, implementing flood mitigation measures, and paying for flood insurance would be more than offset by costs associated with demolition and removal of debris, the purchase price of the old home, possible buyout incentives, gap assistance between the price at which the state acquired the old home and the cost of the new home outside the floodplain, and administrative costs.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

Under the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially-damaged by Hurricane Matthew, are located in the floodplain, and receive financial assistance will be elevated and will include flood mitigation measures to avoid future flood damage. Elevation of homes within the floodplain will serve to minimize the threat to life and property, minimize losses from flooding events, benefit floodplain values, and promote long-term resiliency. Fund recipients will be required to maintain flood insurance on the property in accordance with the National Flood Insurance Program into perpetuity to minimize adverse impacts to life and property as a result of future storm events. All activities will be conducted in compliance with state and local floodplain protection procedures.

Conclusion and Public Comment

The state has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

All interested persons, groups, and agencies are invited to submit written comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 7 calendar day comment period will begin the day after publication and end on the 8th day after publication. All comments must be received on or before July 18, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Kathryn T. Tooley

who being first duly sworn, deposes and says: that he (she) is
Legal Clerk

(Publisher, or other officer or employee authorized to make affidavit) of WAYNE PRINTING COMPANY, INC., engaged in the publication of a newspaper known as GOLDSBORO NEWS-ARGUS, published, issued, and entered as second class mail in the city of Goldsboro in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in GOLDSBORO NEWS-ARGUS on the following dates:

July 5, 2018

Legal #512

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each, and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 5th day of July, 2018

Kathryn T. Tooley
(Signature of person making affidavit)

Sworn to and subscribed before me, this 5th day of

July

, 2018

Dewone Boyette
Notary Public

My Commission expires: 2/17/2019

CLIPPING OF LEGAL ADVERTISEMENT ATTACHED HERE

Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

To: All Interested Agencies,
Groups & Individuals

This is to give notice that the North Carolina Division of Emergency Management (NCEM) on behalf of the Responsible Entity, the North Carolina Department of Commerce (NCDOC), has conducted an evaluation as required by Executive Order 11888, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Hurricane Matthew Community Development Block Grant - Disaster Recovery (CDBG/DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

In accordance with that process, the state has made a final determination that locating the proposed activity in the floodplain is the best alternative as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision-making process.

Proposed Activity in the Floodplain

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated. While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of Federal Emergency Management Agency (FEMA) mapped floodplain within Wayne County based on the current Flood Insurance Rate Maps (FIRMs) available at <http://firms.nc.gov/firms/>. Reasons Why the Activity Must be Located in the Floodplain

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs will provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Wayne County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within one year of Hurricane Matthew. The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through these programs. Some of the potential applications are anticipated to be located within the floodplain. As a result of the proposed activity, there will be no increase in density or change in land use since all work will be conducted within existing building footprints. Homes will be elevated thereby improving the functionality of the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Wayne County as a whole. These actions will provide safe, disaster resistant, and affordable housing for residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Wayne County.

List of the Alternatives Considered

Two alternatives to locating the proposed activity in the floodplain were considered: "No Action"; and "Home Buy-out".

No Action

The "No Action" alternative would mean that residential property owners whose homes are located in the floodplain and were substantially-damaged (i.e., repair costs exceed 50 percent of the structure's pre-disaster market value) as a result of Hurricane Matthew would not receive financial assistance for needed repairs/rehabilitation, elevation, or reconstruction; and comprehensive building standards that incorporate flood mitigation measures would not be implemented. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority

of property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes, their homes would be more vulnerable to future storms and floods with continued risk to both life and property, and their property's functionality as a floodplain would not be improved.

Furthermore, Wayne County would not recover from the impacts of Hurricane Matthew, and the County would lack the long-term resiliency needed to minimize impacts from future storms. The "No Action" alternative would not address the County's need for safe, disaster resistant, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the County.

The "No Action" alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within one year of Hurricane Matthew. Lack of reimbursement assistance would result in a negative effect on the individuals and the local economy. Homeowners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain.

Home Buyout

The "Home Buyout" alternative would involve the purchase of properties inside the floodplain that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the floodplain, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the floodplain. The "Home Buyout" alternative would result in the social and financial ruin of many of the communities in Wayne County since there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the County as a whole to accommodate the vast number of property owners that would be looking for pre-existing homes or new home sites outside the floodplain to which they could relocate. This would result in a large number of residents moving out of Wayne County which would adversely impact the stability of the County's economy. Many property owners would not be willing to sell their homes because they do not want to leave their communities. Their damaged homes would remain unrepaired (often in conditions that are unsafe) and would not be ele-

vated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although the "Home Buyout" alternative returns the floodplain to its natural state and is most protective to the individual since it results in them being relocated outside the floodplain, these benefits come at additional cost. Savings avoided by not elevating the homes, implementing flood mitigation measures, and paying for flood insurance would be more than offset by costs associated with demolition and removal of debris, the purchase price of the old home, possible buyout incentives, gap assistance between the price at which the state acquired the old home and the cost of the new home outside the floodplain, and administrative costs.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

Under the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially-damaged by Hurricane Matthew, are located in the floodplain, and receive financial assistance will be elevated and will include flood mitigation measures to avoid future flood damage. Elevation of homes within the floodplain will serve to minimize the threat to life and property, minimize losses from flooding events, benefit floodplain values, and promote long-term resiliency. Fund recipients will be required to maintain flood insurance on the property in accordance with the National Flood Insurance Program into perpetuity to minimize adverse impacts to life and property as a result of future storm events. All activities will be conducted in compliance with state and local floodplain protection procedures.

Conclusion and Public Comment

The state has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about

these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

All interested persons, groups, and agencies are invited to submit written comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238.

Alternatively, comments may be emailed to CDBGDR.Environment@ncdhs.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 7 calendar day comment period will begin the day after publication and end on the 8th day after publication. All comments must be received on or before July 12, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500. Legal #512 July 5, 2018

AVISO FINAL Y EXPLICACIÓN PÚBLICA DE UNA ACTIVIDAD PROPUESTA EN UNA LLANURA ALUVIAL DE 100 AÑOS

Para: Todas las Agencias, Grupos e Individuos Interesados

Esto es para notificar que la División de Administración de Emergencias de Carolina del Norte (NCEM) en nombre de la Entidad Responsable, el Departamento de Comercio de Carolina del Norte (NCDOC), ha realizado una evaluación según lo exige la Orden Ejecutiva 11988, de conformidad con el Departamento de Regulaciones de Vivienda y Desarrollo Urbano (HUD) en 24 CFR 55.20 Subparte C Procedimientos para Realizar Determinaciones sobre Manejo de Llanuras Aluviales, para determinar el efecto potencial que sus actividades propuestas en la llanura aluvial de 100 años (en lo sucesivo, la llanura aluvial) para la Subvención en Bloque para el Desarrollo de la Comunidad – Recuperación de Desastres (CDBG DR) del Huracán Matthew. Los Programas de Alquiler y Recuperación de Propietarios bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383) tendrán lugar en el entorno humano.

De acuerdo con ese proceso, el estado ha hecho una determinación final de que ubicar la actividad propuesta en la llanura aluvial es la mejor alternativa como se resume en esta notificación. Esta notificación satisface 24 CFR Parte 55.20 (g), Paso 7 del proceso de toma de decisiones de ocho pasos.

ACTIVIDAD PROPUESTA EN LA LLANURA ALUVIAL

Las actividades propuestas para viviendas unifamiliares bajo los Programas de Recuperación y Alquiler de Propietarios incluyen: la reparación / rehabilitación; elevación; reconstrucción; y el reembolso de los costos de reparación incurridos por los propietarios dentro del año posterior del huracán Matthew. Todas las casas reconstruidas dentro de una llanura aluvial se construirán sobre el mismo espacio ocupado y serán elevadas.

Mientras que el proceso de confirmar las ubicaciones de las casas dentro del Condado de Wayne se encuentra actualmente en progreso, se prevé que algunas de las posibles aplicaciones se ubicarán dentro de la llanura aluvial. Hay aproximadamente 61,440 acres de la llanura aluvial mapeada por la Agencia Federal para el Manejo de Emergencias (FEMA, por sus siglas en inglés) dentro del condado de Wayne, según los Mapas de Tasas de Seguros contra Inundaciones (FIRM) disponibles en <http://fris.nc.gov/fris/>.

RAZONES POR LAS CUALES LA ACTIVIDAD DEBE ESTAR UBICADA EN LA LLANURA ALUVIAL

Los Programas de Recuperación y Alquiler de Viviendas CDBG-DR del Huracán Matthew proporcionarán fondos para reparar / rehabilitar, elevar y reconstruir viviendas unifamiliares (de 1 a 4 unidades residenciales, incluidas casas móviles) afectadas por el Huracán Matthew en el Condado de Wayne. Además, estos programas reembolsarán a los propietarios los costos incurridos por la reparación de sus viviendas dentro del año posterior al huracán Matthew. La mejor información disponible sugiere que 523 hogares en el condado de Wayne sufrieron daños debido al Huracán Matthew y pueden buscar fondos a través de estos programas. Se prevé que algunas de las posibles aplicaciones se ubicarán dentro de la llanura aluvial.

Como resultado de la actividad propuesta, no habrá un aumento en la densidad o cambio en el uso de la tierra ya que todo el trabajo se realizará dentro de las huellas de construcción existentes. Las casas se elevarán mejorando la funcionalidad de la llanura aluvial. La elevación de las casas, la implementación de medidas de mitigación de inundaciones y el requisito de mantener seguro contra inundaciones en la propiedad perpetuamente servirán para minimizar la amenaza a la vida y propiedad en futuras tormentas e inundaciones, proporcionando así resiliencia a las personas y al Condado de Wayne en general. Estas acciones proporcionarán viviendas seguras, resistentes a los desastres y asequibles para los residentes afectados por el Huracán Matthew que son cruciales para la seguridad y estabilidad a largo plazo del Condado de Wayne.

**LISTA DE LAS ALTERNATIVAS CONSIDERADAS
SE CONSIDERARON DOS ALTERNATIVAS PARA UBICAR LA ACTIVIDAD PROPUESTA EN LA LLANURA ALUVIAL: “NO ACCIÓN”; Y “COMPRA DE VIVIENDA”.
NO ACCIÓN**

La alternativa “Ninguna medida” significaría que los propietarios de viviendas cuyos hogares están ubicados en la llanura aluvial y sufrieron daños sustanciales (es decir, los costos de reparación superan el 50 por ciento del valor de mercado de la estructura antes del desastre) como resultado del Huracán Matthew no recibirían asistencia financiera para las reparaciones / rehabilitación, elevación o reconstrucción necesarias; y no se implementarían estándares de construcción integrales que incorporen medidas de mitigación de inundaciones. Sin asistencia financiera, el costo de estas actividades probablemente sea demasiado oneroso para la mayoría de los propietarios, y es posible que estos propietarios no puedan recuperarse y tener una vivienda segura, resistente a los desastres y asequible. Sin la asistencia financiera para elevar sus hogares, sus hogares serían más vulnerables a futuras tormentas e inundaciones con un riesgo continuo para su vida y para la propiedad, y la funcionalidad de su propiedad como una llanura aluvial no se mejoraría. Además, el Condado de Wayne no se recuperaría de los impactos del Huracán Matthew, y el Condado carecería de la capacidad de recuperación a largo plazo necesaria para minimizar los impactos de las futuras tormentas. La alternativa “No Acción” no abordaría la necesidad del Condado de viviendas seguras, resistentes a desastres y asequibles; y no contribuiría a la recuperación a largo plazo y a la revitalización económica del Condado.

La alternativa “No Acción” no proporcionaría asistencia de reembolso a los propietarios que incurrieron en costos para implementar reparaciones de emergencia y necesarias en sus hogares dentro del año posterior al Huracán Matthew. La falta de asistencia de reembolso tendría un efecto negativo en los individuos y la economía local. Los propietarios de viviendas en eventos futuros de tormentas pueden ser disuadidos y financieramente incapaces de realizar reparaciones inmediatas y necesarias a sus hogares y propiedades, y las viviendas podrían deteriorarse. Además, es posible que estos propietarios no hayan elevado sus casas ni implementado medidas de mitigación de inundaciones como parte de las reparaciones implementadas debido a los importantes gastos de estas actividades adicionales. Sin asistencia financiera, estas viviendas no estarían adecuadamente protegidas contra los impactos de futuras tormentas e inundaciones, y no habría mejoras en la llanura aluvial.

COMPRA DE VIVIENDA

La alternativa de “Compra de Vivienda” implicaría la compra de propiedades dentro de la llanura aluvial que fueron sustancialmente dañadas por el Huracán Matthew. Una vez adquiridos para la compra, las casas unifamiliares serían demolidas, y la tierra vacante volvería a su estado natural. Los vendedores serían trasladados a nuevas viviendas en nuevos sitios, fuera de la llanura aluvial, o los vendedores serían libres de utilizar los ingresos de la venta para comprar viviendas preexistentes fuera de la llanura aluvial. La alternativa de “Compra de Viviendas” resultaría en la ruina social y financiera de muchas de las comunidades en el Condado de Wayne ya que actualmente hay un suministro inadecuado de viviendas seguras, decentes y asequibles en esas comunidades y en el Condado en su conjunto para acomodar la gran cantidad de propietarios que buscarían viviendas preexistentes o nuevas viviendas fuera de la planicie de inundación a la que podrían trasladarse. Esto daría como resultado una gran cantidad de residentes que se mudarían del Condado de Wayne, lo que afectaría negativamente la estabilidad de la economía del Condado. Muchos propietarios no estarían dispuestos a vender sus casas porque no quieren abandonar sus comunidades. Sus hogares dañados permanecerían sin reparar (a menudo en condiciones inseguras) y no serían elevados o modificados para incorporar medidas de mitigación de inundaciones; por lo tanto, el potencial de impactos adversos asociados con tormentas e inundaciones futuras no se mitigaría adecuadamente.

Aunque la alternativa de “Compra de Vivienda” devuelve la llanura aluvial a su estado natural y es más protectora para el individuo, ya que hace que se traslade fuera de la llanura aluvial, estos beneficios tienen un costo adicional. Los ahorros evitados al no elevar las viviendas, implementar medidas de mitigación de inundaciones y pagar por el seguro contra inundaciones serían más que compensados por los costos asociados con la demolición y remoción de escombros, el precio de compra de la casa vieja, posibles incentivos de compra, asistencia por brecha entre el precio en el cual el estado adquirió la casa vieja y el costo de la nueva casa fuera de la llanura aluvial, y los costos administrativos.

MEDIDAS DE MITIGACIÓN QUE DEBEN TOMARSE PARA MINIMIZAR LOS IMPACTOS ADVERSOS Y PRESERVAR LOS RECURSOS NATURALES Y VALORES BENEFICIOSOS

Las llanuras aluviales son áreas adyacentes a ríos, lagunas y lagos que se inundan periódicamente en diferentes puntos en el tiempo. Las llanuras aluviales son áreas hidrológicamente importantes, ambientalmente sensibles y ecológicamente productivas que realizan muchas funciones naturales. Las llanuras aluviales son beneficiosas para la vida silvestre al crear una variedad de hábitats para peces y otros animales. Además, las llanuras de inundación son importantes debido al almacenamiento y transporte, la protección de la calidad del agua y la recarga de agua subterránea.

Bajo los Programas de Recuperación y Alquiler de Vivienda CDBG-DR del Huracán Matthew, todas las viviendas unifamiliares que fueron sustancialmente dañadas por el Huracán Matthew son ubicadas en la llanura aluvial y reciben asistencia financiera que será elevada e incluirán medidas de mitigación de inundaciones para evitar futuros daños por inundaciones. La elevación de las casas dentro de la llanura aluvial servirá para minimizar la amenaza a la vida y a la propiedad, minimizar las pérdidas ocasionadas por inundaciones, beneficiar los valores de la llanura aluvial y promover la resiliencia a largo plazo. Los destinatarios del fondo deberán mantener a perpetuidad el seguro contra inundaciones de la propiedad de acuerdo con el Programa Nacional de Seguro contra Inundaciones para minimizar los impactos adversos a la vida y a la propiedad como resultado de futuros eventos de tormentas. Todas las actividades se llevarán a cabo de conformidad con los procedimientos estatales y locales de protección contra inundaciones.

CONCLUSIÓN Y COMENTARIO PÚBLICO

El estado ha reevaluado las alternativas a la construcción en la llanura aluvial y ha determinado que no tiene otra alternativa viable. Los archivos ambientales que documentan el cumplimiento de los pasos 3 a 6 de la Orden Ejecutiva 11988 están disponibles para inspección pública, revisión y copia previa solicitud a la hora y lugar delineados en el último párrafo de esta notificación para la recepción de comentarios.

Hay tres propósitos principales para esta notificación. En primer lugar, las personas que pueden verse afectadas por las actividades en las llanuras aluviales y aquellas que tienen un interés en la protección del medio ambiente natural deben tener la oportunidad de expresar sus inquietudes y proporcionar información sobre estas áreas. En segundo lugar, un programa de notificación pública adecuado puede ser una herramienta educativa pública importante. La disseminación de información y la solicitud de comentarios públicos sobre las llanuras aluviales pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales. En tercer lugar, como una cuestión de equidad, cuando el gobierno federal determina que participará en acciones que tienen lugar en las llanuras de inundación, debe informar a quienes pueden estar expuestos a un riesgo mayor o continuo.

Se invita a todas las personas, grupos y agencias interesadas a enviar comentarios por escrito sobre el uso propuesto de los fondos federales para apoyar la actividad propuesta en una llanura aluvial. NCEM aceptará comentarios por escrito durante las horas de 9:00 AM a 5:00 PM entregados a: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternativamente, los comentarios pueden enviarse por correo electrónico a: CDBGDR.Environment@ncdps.gov con “Attention: Disaster Recovery Comments” en la línea del asunto. El período mínimo de comentario de 7 días calendario comenzará el día después de la publicación y finalizará el 8º día después de la publicación. Todos los comentarios deben recibirse a más tardar el 18 de julio de 2018 para recibir consideración. Se puede encontrar más información en el sitio web del programa <https://rebuild.nc.gov/>, o comunicándose con NCEM al 919-825-2500.

Nora Zirps

From: Nora Zirps
Sent: Thursday, July 5, 2018 7:14 AM
To: 'craig.brown@waynegov.com'; 'ssimpson@goldsboronc.gov'; 'dan.brubaker@ncdps.gov'; 'Scott.C.McLendon@usace.army.mil'; 'Henry.M.Wicker.JR@usace.army.mil'; 'Militscher.Chris@epa.gov'; 'linda.culpepper@ncdenr.gov'; 'Melanie.williams@ncdenr.gov'; 'karen.higgins@ncdenr.gov'; 'Renee.Gledhill-Earley@ncdcr.gov'; 'hollymaustin94@gmail.com'; 'bprintup@hetf.org'
Cc: 'ipayne@nccommerce.com'; 'Maribel.Marquez@ncdps.gov'; 'Daniel.Herrera@ncdps.gov'; 'Prakash, Jagadish'; Chris Ward; 'Shumate, Christy'; 'Wilmot, Kory'
Subject: Hurricane Matthew CDBG-DR Single-Family Housing Programs - Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain in Wayne County, North Carolina
Attachments: Programmatic 8-Step Process - Final Public Notice - Wayne County.pdf

To: Interested Agencies

This is to give notice that the North Carolina Division of Emergency Management (NCEM) on behalf of the Responsible Entity, the North Carolina Department of Commerce (NCDOC), has conducted an evaluation as required by Executive Order 11988, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Hurricane Matthew Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

In accordance with that process, the state has made a final determination that locating the proposed activity in the floodplain is the best alternative as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision-making process.

Proposed Activity in the Floodplain

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of Federal Emergency Management Agency (FEMA) mapped floodplain within Wayne County based on the current Flood Insurance Rate Maps (FIRMs) available at <http://fris.nc.gov/fris/>.

Reasons Why the Activity Must be Located in the Floodplain

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs will provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Wayne County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within one year of Hurricane Matthew. The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek

funding through these programs. Some of the potential applications are anticipated to be located within the floodplain.

As a result of the proposed activity, there will be no increase in density or change in land use since all work will be conducted within existing building footprints. Homes will be elevated thereby improving the functionality of the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Wayne County as a whole. These actions will provide safe, disaster resistant, and affordable housing for residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Wayne County.

List of the Alternatives Considered

Two alternatives to locating the proposed activity in the floodplain were considered: “No Action”; and “Home Buyout”.

No Action

The “No Action” alternative would mean that residential property owners whose homes are located in the floodplain and were substantially-damaged (i.e., repair costs exceed 50 percent of the structure’s pre-disaster market value) as a result of Hurricane Matthew would not receive financial assistance for needed repairs/rehabilitation, elevation, or reconstruction; and comprehensive building standards that incorporate flood mitigation measures would not be implemented. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority of property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes, their homes would be more vulnerable to future storms and floods with continued risk to both life and property, and their property’s functionality as a floodplain would not be improved. Furthermore, Wayne County would not recover from the impacts of Hurricane Matthew, and the County would lack the long-term resiliency needed to minimize impacts from future storms. The “No Action” alternative would not address the County’s need for safe, disaster resistant, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the County.

The “No Action” alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within one year of Hurricane Matthew. Lack of reimbursement assistance would result in a negative effect on the individuals and the local economy. Homeowners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain.

Home Buyout

The “Home Buyout” alternative would involve the purchase of properties inside the floodplain that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the floodplain, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the floodplain. The “Home Buyout” alternative would result in the social and financial ruin of many of the communities in Wayne County since there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the County as a whole to accommodate the vast number of

property owners that would be looking for pre-existing homes or new home sites outside the floodplain to which they could relocate. This would result in a large number of residents moving out of Wayne County which would adversely impact the stability of the County's economy. Many property owners would not be willing to sell their homes because they do not want to leave their communities. Their damaged homes would remain unrepaired (often in conditions that are unsafe) and would not be elevated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although the "Home Buyout" alternative returns the floodplain to its natural state and is most protective to the individual since it results in them being relocated outside the floodplain, these benefits come at additional cost. Savings avoided by not elevating the homes, implementing flood mitigation measures, and paying for flood insurance would be more than offset by costs associated with demolition and removal of debris, the purchase price of the old home, possible buyout incentives, gap assistance between the price at which the state acquired the old home and the cost of the new home outside the floodplain, and administrative costs.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

Under the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially-damaged by Hurricane Matthew, are located in the floodplain, and receive financial assistance will be elevated and will include flood mitigation measures to avoid future flood damage. Elevation of homes within the floodplain will serve to minimize the threat to life and property, minimize losses from flooding events, benefit floodplain values, and promote long-term resiliency. Fund recipients will be required to maintain flood insurance on the property in accordance with the National Flood Insurance Program into perpetuity to minimize adverse impacts to life and property as a result of future storm events. All activities will be conducted in compliance with state and local floodplain protection procedures.

Conclusion and Public Comment

The state has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

The State of North Carolina is seeking your comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce

(NCDOC) - the Responsible Entity for the proposed activity, the North Carolina Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with “Attention: Disaster Recovery Comments” in the subject line. The minimum 7 calendar day comment period will begin the day after publication and end on the 8th day after publication. All comments must be received on or before July 12, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

Attachment:

Notice published in La Conexion on July 4, 2018, and scheduled to be published in the Goldsboro News-Argus on July 5, 2018

Nora A. Zirps, PE, RSM

ESP Associates, Inc.

7011 Albert Pick Road, Suite E

Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell

Nora Zirps

From: Nora Zirps
Sent: Thursday, July 5, 2018 7:23 AM
To: 'FEMA-R4EHP@fema.dhs.gov'
Cc: 'Stephanie.Madson@fema.dhs.gov'; 'ipayne@nccommerce.com'; 'Maribel.Marquez@ncdps.gov'; 'Daniel.Herrera@ncdps.gov'; 'Prakash, Jagadish'; Chris Ward; 'Shumate, Christy'; 'Wilmot, Kory'
Subject: EO11988/NEPA EHP Reviewer - Hurricane Matthew CDBG-DR Single-Family Housing Programs - Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain in Wayne County, North Carolina
Attachments: Programmatic 8-Step Process - Final Public Notice - Wayne County.pdf

To: Interested Agencies

This is to give notice that the North Carolina Division of Emergency Management (NCEM) on behalf of the Responsible Entity, the North Carolina Department of Commerce (NCDOC), has conducted an evaluation as required by Executive Order 11988, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Hurricane Matthew Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

In accordance with that process, the state has made a final determination that locating the proposed activity in the floodplain is the best alternative as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision-making process.

Proposed Activity in the Floodplain

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of Federal Emergency Management Agency (FEMA) mapped floodplain within Wayne County based on the current Flood Insurance Rate Maps (FIRMs) available at <http://fris.nc.gov/fris/>.

Reasons Why the Activity Must be Located in the Floodplain

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs will provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Wayne County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within one year of Hurricane Matthew. The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through these programs. Some of the potential applications are anticipated to be located within the floodplain.

As a result of the proposed activity, there will be no increase in density or change in land use since all work will be conducted within existing building footprints. Homes will be elevated thereby improving the functionality of the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Wayne County as a whole. These actions will provide safe, disaster resistant, and affordable housing for residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Wayne County.

List of the Alternatives Considered

Two alternatives to locating the proposed activity in the floodplain were considered: “No Action”; and “Home Buyout”.

No Action

The “No Action” alternative would mean that residential property owners whose homes are located in the floodplain and were substantially-damaged (i.e., repair costs exceed 50 percent of the structure’s pre-disaster market value) as a result of Hurricane Matthew would not receive financial assistance for needed repairs/rehabilitation, elevation, or reconstruction; and comprehensive building standards that incorporate flood mitigation measures would not be implemented. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority of property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes, their homes would be more vulnerable to future storms and floods with continued risk to both life and property, and their property’s functionality as a floodplain would not be improved. Furthermore, Wayne County would not recover from the impacts of Hurricane Matthew, and the County would lack the long-term resiliency needed to minimize impacts from future storms. The “No Action” alternative would not address the County’s need for safe, disaster resistant, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the County.

The “No Action” alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within one year of Hurricane Matthew. Lack of reimbursement assistance would result in a negative effect on the individuals and the local economy. Homeowners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain.

Home Buyout

The “Home Buyout” alternative would involve the purchase of properties inside the floodplain that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the floodplain, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the floodplain. The “Home Buyout” alternative would result in the social and financial ruin of many of the communities in Wayne County since there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the County as a whole to accommodate the vast number of property owners that would be looking for pre-existing homes or new home sites outside the floodplain to which they could relocate. This would result in a large number of residents moving out of Wayne County which would adversely impact the stability of the County’s economy. Many property owners would not be willing to

sell their homes because they do not want to leave their communities. Their damaged homes would remain unrepaired (often in conditions that are unsafe) and would not be elevated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although the “Home Buyout” alternative returns the floodplain to its natural state and is most protective to the individual since it results in them being relocated outside the floodplain, these benefits come at additional cost. Savings avoided by not elevating the homes, implementing flood mitigation measures, and paying for flood insurance would be more than offset by costs associated with demolition and removal of debris, the purchase price of the old home, possible buyout incentives, gap assistance between the price at which the state acquired the old home and the cost of the new home outside the floodplain, and administrative costs.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

Under the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially-damaged by Hurricane Matthew, are located in the floodplain, and receive financial assistance will be elevated and will include flood mitigation measures to avoid future flood damage. Elevation of homes within the floodplain will serve to minimize the threat to life and property, minimize losses from flooding events, benefit floodplain values, and promote long-term resiliency. Fund recipients will be required to maintain flood insurance on the property in accordance with the National Flood Insurance Program into perpetuity to minimize adverse impacts to life and property as a result of future storm events. All activities will be conducted in compliance with state and local floodplain protection procedures.

Conclusion and Public Comment

The state has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

The State of North Carolina is seeking your comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce (NCDOC) - the Responsible Entity for the proposed activity, the North Carolina Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center,

Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with “Attention: Disaster Recovery Comments” in the subject line. The minimum 7 calendar day comment period will begin the day after publication and end on the 8th day after publication. All comments must be received on or before July 12, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

Attachment:

Notice published in La Conexion on July 4, 2018, and scheduled to be published in the Goldsboro News-Argus on July 5, 2018

Nora A. Zirps, PE, RSM

ESP Associates, Inc.

7011 Albert Pick Road, Suite E

Greensboro, NC 27409

www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct

336.334.7724 | Office

336.420.6979 | Cell



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

July 3, 2018

Ms. Wenonah G. Haire, DMD
Tribal Historic Preservation Officer
c/o Caitlin Rogers
1536 Tom Steven Road
Rock Hill, SC 29730

RE: Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain
Wayne County, North Carolina
Hurricane Matthew CDBG-DR Single-Family Housing Programs

Dear Ms. Haire:

This is to give notice that the North Carolina Division of Emergency Management (NCEM) on behalf of the Responsible Entity, the North Carolina Department of Commerce (NCDOC), has conducted an evaluation as required by Executive Order 11988, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Hurricane Matthew Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

In accordance with that process, the state has made a final determination that locating the proposed activity in the floodplain is the best alternative as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision-making process.

Proposed Activity in the Floodplain

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

MAILING ADDRESS:
4218 Mail Service Center
Raleigh, NC 27699-4218
www.ncfloodmaps.com



An Equal Opportunity Employer

OFFICE LOCATION:
4105 Reedy Creek Rd
Raleigh, NC 27607
Telephone: (919) 715-5711
Fax: (919) 715-0408

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of Federal Emergency Management Agency (FEMA) mapped floodplain within Wayne County based on the current Flood Insurance Rate Maps (FIRMs) available at <http://fris.nc.gov/fris/>.

Reasons Why the Activity Must be Located in the Floodplain

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs will provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Wayne County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within one year of Hurricane Matthew. The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through these programs. Some of the potential applications are anticipated to be located within the floodplain.

As a result of the proposed activity, there will be no increase in density or change in land use since all work will be conducted within existing building footprints. Homes will be elevated thereby improving the functionality of the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Wayne County as a whole. These actions will provide safe, disaster resistant, and affordable housing for residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Wayne County.

List of the Alternatives Considered

Two alternatives to locating the proposed activity in the floodplain were considered: “No Action”; and “Home Buyout”.

No Action

The “No Action” alternative would mean that residential property owners whose homes are located in the floodplain and were substantially-damaged (i.e., repair costs exceed 50 percent of the structure’s pre-disaster market value) as a result of Hurricane Matthew would not receive financial assistance for needed repairs/rehabilitation, elevation, or reconstruction; and comprehensive building standards that incorporate flood mitigation measures would not be implemented. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority of property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes, their homes would be more vulnerable to future storms and floods with

continued risk to both life and property, and their property's functionality as a floodplain would not be improved. Furthermore, Wayne County would not recover from the impacts of Hurricane Matthew, and the County would lack the long-term resiliency needed to minimize impacts from future storms. The "No Action" alternative would not address the County's need for safe, disaster resistant, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the County.

The "No Action" alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within one year of Hurricane Matthew. Lack of reimbursement assistance would result in a negative effect on the individuals and the local economy. Homeowners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain.

Home Buyout

The "Home Buyout" alternative would involve the purchase of properties inside the floodplain that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the floodplain, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the floodplain. The "Home Buyout" alternative would result in the social and financial ruin of many of the communities in Wayne County since there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the County as a whole to accommodate the vast number of property owners that would be looking for pre-existing homes or new home sites outside the floodplain to which they could relocate. This would result in a large number of residents moving out of Wayne County which would adversely impact the stability of the County's economy. Many property owners would not be willing to sell their homes because they do not want to leave their communities. Their damaged homes would remain unrepaired (often in conditions that are unsafe) and would not be elevated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although the "Home Buyout" alternative returns the floodplain to its natural state and is most protective to the individual since it results in them being relocated outside the floodplain, these benefits come at additional cost. Savings avoided by not elevating the homes, implementing flood mitigation measures, and paying for flood insurance would be more than offset by costs

associated with demolition and removal of debris, the purchase price of the old home, possible buyout incentives, gap assistance between the price at which the state acquired the old home and the cost of the new home outside the floodplain, and administrative costs.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

Under the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially-damaged by Hurricane Matthew, are located in the floodplain, and receive financial assistance will be elevated and will include flood mitigation measures to avoid future flood damage. Elevation of homes within the floodplain will serve to minimize the threat to life and property, minimize losses from flooding events, benefit floodplain values, and promote long-term resiliency. Fund recipients will be required to maintain flood insurance on the property in accordance with the National Flood Insurance Program into perpetuity to minimize adverse impacts to life and property as a result of future storm events. All activities will be conducted in compliance with state and local floodplain protection procedures.

Conclusion and Public Comment

The state has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government

determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

The State of North Carolina is seeking your comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce (NCDOC) - the Responsible Entity for the proposed activity, the North Carolina Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 7 calendar day comment period will begin the day after publication and end on the 8th day after publication. All comments must be received on or before July 12, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Bill Harris - Chief Catawba Indian Nation
Michael Gagner - NCEM, Deputy Chief of Resilience
Nora Zirps - ESP Associates, Inc., Environmental Assessor
Jagadish Prakash - AECOM, Environmental Assessor
Christy Shumate - AECOM, Environmental Assessor

Attachments:

Notice scheduled to be published in the Goldsboro News-Argus on July 5, 2018, and La Conexion on July 4, 2018

**FINAL NOTICE AND PUBLIC EXPLANATION
OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN**

July 5, 2018

To: All Interested Agencies, Groups & Individuals

This is to give notice that the North Carolina Division of Emergency Management (NCEM) on behalf of the Responsible Entity, the North Carolina Department of Commerce (NCDOC), has conducted an evaluation as required by Executive Order 11988, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Hurricane Matthew Community Development Block Grant - Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

In accordance with that process, the state has made a final determination that locating the proposed activity in the floodplain is the best alternative as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision-making process.

Proposed Activity in the Floodplain

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include: repair/rehabilitation; elevation; reconstruction; and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

While the process of confirming house locations within Wayne County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 61,440 acres of Federal Emergency Management Agency (FEMA) mapped floodplain within Wayne County based on the current Flood Insurance Rate Maps (FIRMs) available at <http://fris.nc.gov/fris/>.

Reasons Why the Activity Must be Located in the Floodplain

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs will provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Wayne County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within one year of Hurricane Matthew. The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through these programs. Some of the potential applications are anticipated to be located within the floodplain.

As a result of the proposed activity, there will be no increase in density or change in land use since all work will be conducted within existing building footprints. Homes will be elevated thereby improving the functionality of the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Wayne County as a whole. These actions will provide safe, disaster resistant, and affordable housing for

residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Wayne County.

List of the Alternatives Considered

Two alternatives to locating the proposed activity in the floodplain were considered: “No Action”; and “Home Buyout”.

No Action

The “No Action” alternative would mean that residential property owners whose homes are located in the floodplain and were substantially-damaged (i.e., repair costs exceed 50 percent of the structure’s pre-disaster market value) as a result of Hurricane Matthew would not receive financial assistance for needed repairs/rehabilitation, elevation, or reconstruction; and comprehensive building standards that incorporate flood mitigation measures would not be implemented. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority of property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes, their homes would be more vulnerable to future storms and floods with continued risk to both life and property, and their property’s functionality as a floodplain would not be improved. Furthermore, Wayne County would not recover from the impacts of Hurricane Matthew, and the County would lack the long-term resiliency needed to minimize impacts from future storms. The “No Action” alternative would not address the County’s need for safe, disaster resistant, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the County.

The “No Action” alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within one year of Hurricane Matthew. Lack of reimbursement assistance would result in a negative effect on the individuals and the local economy. Homeowners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain.

Home Buyout

The “Home Buyout” alternative would involve the purchase of properties inside the floodplain that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the floodplain, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the floodplain. The “Home Buyout” alternative would result in the social and financial ruin of many of the communities in Wayne County since there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the County as a whole to accommodate the vast number of property owners that would be looking for pre-existing homes or new home sites outside the floodplain to which they could relocate. This would result in a large number of residents moving out of Wayne County which would adversely impact the stability of the County’s economy. Many property owners would not be willing to sell their homes because they do not want to

leave their communities. Their damaged homes would remain unrepaired (often in conditions that are unsafe) and would not be elevated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although the “Home Buyout” alternative returns the floodplain to its natural state and is most protective to the individual since it results in them being relocated outside the floodplain, these benefits come at additional cost. Savings avoided by not elevating the homes, implementing flood mitigation measures, and paying for flood insurance would be more than offset by costs associated with demolition and removal of debris, the purchase price of the old home, possible buyout incentives, gap assistance between the price at which the state acquired the old home and the cost of the new home outside the floodplain, and administrative costs.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Floodplains are areas adjacent to rivers, ponds, and lakes that are periodically flooded at different points in time. Floodplains are hydrologically important, environmentally sensitive, and ecologically productive areas that perform many natural functions. Floodplains are beneficial for wildlife by creating a variety of habitats for fish and other animals. In addition, floodplains are important because of storage and conveyance, protection of water quality, and recharge of groundwater.

Under the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially-damaged by Hurricane Matthew, are located in the floodplain, and receive financial assistance will be elevated and will include flood mitigation measures to avoid future flood damage. Elevation of homes within the floodplain will serve to minimize the threat to life and property, minimize losses from flooding events, benefit floodplain values, and promote long-term resiliency. Fund recipients will be required to maintain flood insurance on the property in accordance with the National Flood Insurance Program into perpetuity to minimize adverse impacts to life and property as a result of future storm events. All activities will be conducted in compliance with state and local floodplain protection procedures.

Conclusion and Public Comment

The state has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

All interested persons, groups, and agencies are invited to submit written comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. The minimum 7 calendar day comment period will begin the day after publication and end on the 8th day after publication. All comments must be received on or before July 12, 2018 to receive consideration. Further information can be found at the program website <https://rebuild.nc.gov/>, or by contacting NCEM at 919-825-2500.

EXHIBIT 3

PUBLIC COMMENTS AND THE STATE'S RESPONSES

PUBLIC COMMENTS AND THE STATE'S RESPONSES

Early Notice

Comments from the North Carolina Department of Public Safety, Risk Management Section

Comment 1 - New construction and substantial improvements shall meet the requirements of the local flood damage prevention ordinance.

Response 1 - For reconstruction and substantial improvements, compliance with local flood damage prevention ordinances has been included as a requirement for CDBG-DR funding. New construction is outside the scope of this Programmatic Eight-Step Compliance Process Document.

Comment 2 - Construction in floodways and non-encroachment areas may also require a hydraulic analysis to determine the impacts on flood levels during the base flood discharge.

Response 2 - Any Applicants whose properties are all or partially located in a floodway will be deemed ineligible to receive CDBG-DR funding in accordance with HUD regulation 24 CFR 55 (Floodplain Management) since single-family housing is not a functionally dependent use.

Comments from Property Owners

Comment 1 - The owners of two adjoining properties just about 400 feet from the banks of the Neuse commented that Wayne County purchased all the other properties around their properties following Hurricane Floyd as part of a hazard mitigation program. Although they applied for buyout by the county after Hurricane Floyd, they were told at the time that insufficient funds were available to buyout their properties. They are unable to sell their house or properties due to the issues with flooding, have lost all market value in their home, cannot afford to build on the properties because of the building requirements, and would not feel safe building on the properties because of the flood hazards. The commenter asked that the state consider buyouts for these two properties to mitigate future flood losses. The commenter also stated that clearing this land and allowing the overflow from the Neuse to reclaim this area will lessen the impact of flood damage further down the Neuse banks and around Cliffs of the Neuse State Park.

Response 1 - The state recommended to the property owners that they submit an application under the Hurricane Matthew CDBG-DR Acquisition for Buyout Program in Wayne County.

Final Notice

Comment from the U.S. Army Corps of Engineers (USACE) Wilmington District

Comment 1 - Pursuant to Section 404 of the Clean Water Act, any discharge of excavated or fill material into waters of the United States, including streams and wetlands, in conjunction with these types of projects, as well as disposal of construction debris, the construction of temporary access roads, and removal of underground utilities, requires USACE permit authorization. The four proposed actions (Proposed Actions 1, 2, 3, and 7) covered by this Programmatic Eight-Step Compliance Process Document do not normally impact wetlands or streams since the disturbed footprint of the single-family home will

not be substantially changed; therefore, they do not require site-specific consultation for wetlands or USACE permit authorization.

Response 1 - The information provided by USACE regarding waters of the United States, including streams and wetlands, has been acknowledged and was utilized in the development of the Tier 2 site-specific review strategy for wetlands in the Tier 1 Environmental Assessment for the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs.

Appendix D

NC Rebuild Program Tier 2 Site-Specific Environmental Assessment Review Checklist

Hurricane Matthew CDBG-DR

NC Rebuild: Single-Family Homeowner Recovery and Rental Program

Tier 2 Site-Specific Review Checklist – Wayne County

HUD Grant Number:	
APPLICATION ID:	APPLICANT'S NAME:
PROPERTY ADDRESS:	
ATTACHMENTS:	
<p>PROJECT DESCRIPTION: [Note: Throughout this annotated form, explanatory language is in highlighted in grey.]</p> <p>A Tier I Environmental Assessment (EA) was completed for the NC Rebuild Program. This is the Tier II site specific review for activities eligible under this program. Work on this site would consist of the following Proposed Actions:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Repair/rehabilitation with no substantial change in footprint on the same parcel (Proposed Action 1) <input type="checkbox"/> Elevation with no substantial change in footprint on the same parcel (Proposed Action 2) <input type="checkbox"/> Reconstruction/replacement with no substantial change in footprint on the same parcel (Proposed Action 3) <input type="checkbox"/> Relocation on previously-undisturbed land (Proposed Action 4) <input type="checkbox"/> Acquisition for buyout (Proposed Action 5) <input type="checkbox"/> Acquisition for redevelopment as single-family housing (Proposed Action 6) <input type="checkbox"/> Reimbursement to homeowners for previously-completed eligible repair activities (Proposed Action 7) <p>Provide narrative description</p> <p>[For Proposed Actions 1, 2, or 3: The proposed project involves home rehabilitation/elevation/reconstruction activities on an existing residential property with the above-listed address, which received damage as a result of Hurricane Matthew. This home was constructed in (insert year). Proposed activities would include addressing storm-related damage to the residence (insert roofing, drywall and window repairs, flooring, mechanical, utilities, etc.) to bring it to current minimum residential property standards and compliance with applicable requirements, elevation of the home to one foot above the base flood elevation (BFE) in accordance with the Preliminary Work Maps published by FEMA (OR the Preliminary-Flood Insurance Rate Maps published by FEMA), and site-specific mitigation measures (insert to protect wetlands, U.S. waters, threatened and endangered species, and to minimize the hazard of toxic and radioactive materials, explosive and flammable hazards, and invasive species). Activities would be limited to the disturbed area of the previously developed residential site (OR Activities would largely be limited to the disturbed area of the previously developed residential site, but would disturb ground surface to install pier and beam foundation and to accommodate required utilities). Figure Appendix A-1 displays the location of the proposed activity. (Attach map)]</p> <p>[For Proposed Action 4: The proposed project involves acquiring vacant land and constructing a new home to relocate applicants whose home received damage as a result of Hurricane Matthew, and where cost-benefit analysis indicates it is not feasible to rebuild the existing home. The new home would be located at the above-listed address, which is outside of flood prone areas. Figure Appendix A-1 displays the location of the proposed activity. (Attach map)]</p> <p>[For Proposed Action 5: The proposed project involves the purchase of eligible storm impacted and severely damaged property at the above-listed address and demolition of structures on the property. The property will be maintained in perpetuity as a buffer zone. Figure Appendix A-1 displays the location of the proposed activity. (Attach map)]</p> <p>[For Proposed Action 6: The proposed project involves the purchase of eligible storm impacted and severely damaged property at the above-listed address. The property will be redeveloped and made more resilient by (insert description of proposed work) before being put back into the market. Figure Appendix A-1 displays the location of the proposed activity. (Attach map)]</p> <p>[For Proposed Action 7: The proposed project involves reimbursement of previously performed construction activities at an existing residential property with the above-listed address, where expenses for permanent or temporary repairs were incurred, committed to, and documented by property owners within one-year of receiving damage from Hurricane Matthew. Figure Appendix A-1 displays the location of the proposed activity. (Attach map)]</p>	

DETERMINATION☐ **Finding of No Significant Impact**

[24 CFR 58.40(g)(1); 40 CFR 1508.27].

The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact**

[24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Prepared By:

Title/Affiliation:

Signature and Date: _____

Approved By: Iris Payne

Title/Affiliation: Responsible Entity, North Carolina Department of Commerce

Signature and Date: _____

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

TIER 1 COMPLIANCE

For the following factors, compliance was met during the Tier I review. Site-specific review is not required.

Coastal barrier resources
Clean air
Coastal zone management
Sole source aquifers
Environmental justice

AIRPORT HAZARDS*24 CFR Part 51 Subpart D, 24 CFR 58.6[d]*

In Wayne County, there is one military airfield (Seymour Johnson Air Force Base [AFB]) and no civil airports.

For all Proposed Actions, review the site relative to the location of the Seymour Johnson AFB.

(1) Is the project site located more than 15,000 feet (2.84 miles) from Seymour Johnson AFB?

If "Yes," then the review is concluded. If "No," provide narrative description as necessary and proceed to Question 2.

- ☐ **YES**, the review is concluded
- ☐ **NO**, proceed to Q2

For any project site located less than 15,000 feet (2.84 miles) from the Seymour Johnson AFB, compare the project site's location against the Accident Potential Zone (APZ).

(2) Is the site located within the APZs associated with the Seymour Johnson AFB?

If "Yes," contact the Department of Defense (DOD) to confirm the site is located within the APZs and to establish that the project is generally consistent with recommendations in DOD instructions. Document coordination here.

- ☐ **YES**, coordinate with DOD
- ☐ **NO**, review is concluded

NOTE: Document coordination with DOD, as necessary, and attach to this checklist.

The NCDOC Certifying Officer has the responsibility to make decisions to approve projects in the APZ. This decision should be documented as part of this site-specific review and attached to this checklist.

If site is located within the APZ for Seymour Johnson AFB, notification to the property owner is required in accordance with 24 CFR 51.303(a)(3), Notice to Prospective Buyers of Properties Located in Runway CZs and CZs, and the original signed copy must be maintained as part of the project file for the action.

CONTAMINATION AND TOXIC SUBSTANCES

24 CFR 58.5 [i][2][i] and [iii]

Contaminated Sites

Site-specific review by a qualified environmental professional (EP), in accordance with ASTM E1527-00, is required for all Proposed Actions.

Conduct a site walkthrough and document relevant information about the project site and surrounding properties (limited observation from a public right-of-way) on a Tier 2 Site-Specific Inspection Checklist.

Search the following public databases for information regarding listed contaminated sites located within 3,000 feet of the project site (with a primary focus on listed sites located within 1,000 feet which is the distance that NCDEQ Division of Waste Management typically uses for protection of private drinking water wells and for assessment of vapor intrusion):

- NCDEQ Online GIS Open Data accessed at <http://data-ncdenr.opendata.arcgis.com/>, including direct links to NCDEQ's Laserfiche System
- Formerly Used Defense Sites List accessed at <http://www.usace.army.mil/Missions/Environmental/Formerly-Used-Defense-Sites/FUDS-GIS/>
- NEPAassist accessed at <https://www.epa.gov/nepa/nepassist>

(1) Based on observations made during the site walkthrough and the information regarding listed contaminated sites from the public database review, is there evidence of on-site contamination or the presence of listed contaminated sites within 1,000 feet of the project site?

If "Yes," proceed to question 2. If "No," append Site-Specific Inspection Checklist, NCDEQ Online GIS Open Data map, and NEPAassist map to support conclusion. Review for contaminated sites is concluded.

- ☐ **YES**, proceed to Q2
- ☐ **NO**, project site is not impacted by contamination; review for contaminated sites is concluded; proceed to Q5

(2) Based on the judgement of an EP, is it likely that on-site contamination or contamination associated with nearby listed sites has had a direct impact on the subject property with respect to contamination by toxic chemicals or radioactive materials based on the nature of the listed contaminated site, its regulatory status, distance and topographic relationship to the subject property, and/or inferred direction of groundwater flow? (Note: As needed to make this determination, the EP will conduct a Phase I Environmental Site Assessment in accordance with ASTM E1527-13, followed by Phase II environmental assessments as warranted to confirm/refute the present of on-site contamination and to characterize the on-site contamination [if present]).

If "Yes," proceed to question 3. If "No," it is unlikely that the subject property has been impacted by toxic chemicals or radioactive materials. Record basis for conclusion below and attach supporting documents, as appropriate. Review for contaminated sites is concluded.

- ☐ **YES**, proceed to Q3
- ☐ **NO**, review for contaminated sites is concluded; proceed to Q5

(3) Based on the judgement of an EP, would any identified contamination likely to directly impact the subject property also have: 1) the potential to affect the health and safety of the occupants via direct contact, ingestion of groundwater, or vapor intrusion taking into account the source of potable water to the subject property; or 2) conflict with the intended use of the property?

If "Yes," proceed to question 4. If "No," it is unlikely that the health and safety of the occupants is being adversely affected. Record basis for conclusion below and attach supporting documents, as appropriate. Review for contaminated sites is concluded.

- ☐ **YES**, proceed to Q4
- ☐ **NO**, review for contaminated sites is concluded; proceed to Q5

(4) Is the following available for the listed contaminated site of concern (or the project site if it is found to be contaminated): i) a No Further Action status from NCDEQ or EPA; ii) documented levels of contamination on the project site below Federal clean-up and/or action standards; or iii) evidence that corrective action to mitigate exposures to residents has been implemented?

If "Yes," adverse affects to the health and safety of the occupants has been addressed. Review for contaminated sites is concluded. If "No," adverse affects to the health and safety of the occupants remains. CDBG-DR assistance is prohibited for the project site.

- ☐ **YES**, review for contaminated sites is concluded; proceed to Q5
- ☐ **NO**, **CDBG-DR assistance is prohibited**; proceed to Q5

Asbestos

Site-specific review for asbestos is required for all Proposed Actions, except Proposed Action 7.

(5) Do the project plans involve demolition or rehabilitation activities that will disturb building materials (note: this excludes Proposed Action 7 which involves activities already completed by the property owner)?

If "Yes," building materials in the critical path of demolition or rehabilitation must be thoroughly inspected by a NC-accredited asbestos inspector for suspect asbestos containing material (ACM) before beginning any demolition or rehabilitation activities. Additionally, NCDHHS must be notified at least 10-workdays prior to beginning demolition, even if no ACM is present in the building. Removal and disposal of identified ACM in the critical path of demolition or rehabilitation must be performed North Carolina-accredited asbestos professionals and in accordance with all applicable federal and state laws and regulations. If "No," review for asbestos is concluded.

☐ **YES, asbestos inspection and regulatory compliance (if asbestos is present) are required;** proceed to Q6

☐ **NO,** review for asbestos is concluded; proceed to Q6

Lead-Based Paint

Site-specific review for lead-based paint is required for Proposed Actions 1, 2, and 6.

(6) Is the proposed activity Proposed Action 1, 2, or 6?

☐ **YES,** Proceed to Q7

☐ **NO,** review for lead-based paint is concluded; proceed to Q8

(7) Do any of the following conditions apply to the property/project?

- The residential structure was built on or after January 1, 1978,
- The residential structure is a zero-bedroom unit (i.e., efficiency),
- Rehabilitation activities will specifically exclude painted surfaces,
- The property has been previously found to be free of lead-based paint by a certified inspector,
- All lead-based paint has been removed from the property, and clearance has been achieved, or
- The residential structure will remain unoccupied until demolition.

If "Yes," review for lead-based paint is concluded. If "No," lead-based paint inspection by a North Carolina certified lead inspector and regulatory compliance (if lead-based paint is present) are required.

☐ **YES,** review for lead-based paint is concluded, proceed to Q8

☐ **NO, lead-based paint inspection and regulatory compliance (if lead-based paint is present) are required;** proceed to Q8

Mold

Site-specific review for mold is required for Proposed Actions 1, 2, 6, and 7.

(8) Is the proposed activity Proposed Action 1, 2, 6, or 7?

☐ **YES,** Proceed to Q9

☐ **NO,** review for mold is concluded

(9) Was mold observed during the damage assessment?

☐ **YES,** Proceed to Q10

☐ **NO,** review for mold is concluded

(10) Was the mold attributable to the effect of Hurricane Matthew?

☐ **YES, mold inspection and remediation are required**

☐ **NO,** review for mold is concluded

The environmental review record should include one or more of the following to support the EP's contaminated sites conclusions:

- Site-Specific Inspection Checklist.
- NCDEQ Online GIS Open Data and NEPAassist maps showing Federal and State listed contaminated sites within 1,000-foot and 3,000-foot radii around the project site.
- Other supporting documentation, as appropriate.

The environmental review record should include documentation providing the age of the structure, details regarding the proposed action (e.g., rehabilitation and demolition plans), and damage assessment findings regarding the presence of mold.

NOTES:

ENDANGERED SPECIES

Federal Endangered Species Act, 16 U.S.C. 1531 to 1543, 50 CFR 402; Bald and Golden Eagle Protection Act, 16 USC 668 et seq.; North Carolina Endangered and Threatened Wildlife and Wildlife Species of Special Concern, G.S. 113-331 to 113-337, 15A NCAC 10I .0101

Conduct a site walkthrough and document (including photographs) any trees that may be removed as part of the proposed action, any super-dominant canopy pine or cypress trees that may be removed as part of the proposed action, and any perennial streams or lakes within 100 feet of proposed land-disturbing activities on a Tier 2 Site-Specific Inspection Checklist.

Search the NCNHP Data Explorer (<http://ncnhp.org/data/species-community-search>) for "current status" federal- and state-listed terrestrial T&E species within one mile of the project site, and document the following:

- Presence of Bald Eagle nests, particularly on the project site;
- Presence of Northern Long-Eared Bats (NLEB);
- Presence of federal- and state-listed aquatic species in perennial streams or lakes potentially-impacted by the proposed action within one mile upstream/downstream of the project site (record the species present in the notes below); and
- Presence of state-listed terrestrial species within one-half mile of the project site (record the species present in the notes below).

Access the following links for USFWS records regarding the presence of the NLEB in the county, known NLEB roosting sites in the vicinity of the project site, and the reach of the white-nose syndrome (WNS):

- https://www.fws.gov/raleigh/NLEB_RFO.html;
- <https://www.sciencebase.gov/catalog/item/5851849ee4b0f99207c4f10e>; and
- <https://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>.

Section I. Federally-listed Threatened and Endangered Species (For Proposed Actions 1 through 6)

(1) Is the project a Proposed Action ??

- ☐ **YES**, the review is concluded
- ☐ **NO**, proceed to Q2

(2) Bald Eagle

(2a) Will a super dominant canopy (those much taller than the surrounding trees) pine or cypress tree be removed as part of the proposed action?

If "Yes," then tree should be visually checked for large bird nests, and documented with photographs (if any identified). If "No," review for Bald Eagle is concluded.

- ☐ **YES**, proceed to Q2b
- ☐ **NO**, review for Bald Eagle is concluded; proceed to Q3

(2b) Is there evidence of a large bird nest in the super dominant canopy tree slated for removal based on site walkthrough observations or is there a documented Bald Eagle nest on the project site based on the NCNHP Data Explorer review?

If "Yes," then consultation with the USFWS-RFO will be required, starting with providing the location of the property, the proposed work to be done, and a photograph of the nest. Documentation regarding the consultation should be appended to this checklist and summarized in the notes below. If "No," review for Bald Eagle is concluded.

- ☐ **YES, consult with USFWS-RFO**; proceed to Q3
- ☐ **NO**, review for bald eagle is concluded; proceed to Q3

(3) Northern Long-eared Bat (NLEB)

(3a) Does the proposed action involve tree removal?

If "Yes," effects on the NLEB must be assessed. If "No," review for NLEB is concluded.

- ☐ **YES**, proceed to Q3b
- ☐ **NO**, review for NLEB is concluded; proceed to Q4

(3b) Is the project site located within a known NLEB roosting area? [Based on search of USFWS records.]

If "Yes," USFWS-RFO consultation is required for any project site located within a known NLEB roosting area. Documentation regarding the consultation should be appended to this checklist and summarized in the notes below. If "No," proceed to Question 3c.

- ☐ **YES, consult with USFWS-RFO**; proceed to Q4
- ☐ **NO**, proceed to Q3c

(3c) Is the project site located within the current WNS zone? [Based on search of USFWS records at the time of the site-specific review since zone is expanding.]

If "Yes," tree removal activities are covered by the Programmatic Biological Opinion for the final 4(d) rule; therefore, the project must comply with the final 4(d) rule prohibitions on incidental take. Consultation with the USFWS-RFO should not be required. If "No," incidental take of NLEBs is not prohibited at this time, and there are no restrictions on tree removal with respect to NLEB.

- ☐ **YES, comply with final 4(d) rule regarding prohibitions on incidental take;** proceed to Q4
- ☐ **NO,** review for NLEB is concluded; proceed to Q4

(4) Federal-listed T&E Freshwater Bivalve Species

4(a) Is the project a Proposed Action 4 or 6?

- ☐ **YES,** proceed to Q4b
- ☐ **NO,** review for freshwater bivalve species is concluded; proceed to Q5

(4b) Will the project site result in vegetation removal and/or land clearing/disturbance within 100 feet of a perennial stream in which a federal-listed T&E freshwater bivalve species is known to exist? [Based on NCNHP Data Explorer element occurrences within a distance of 1,000 feet upstream or 1,000 feet downstream of the project site in the potentially-impacted stream.]

If "Yes," consultation with the USFWS-RFO will be required. Documentation regarding the consultation should be appended to this checklist and summarized in the notes below. If "No," review for federal-listed freshwater bivalve species is concluded.

- ☐ **YES, consult with USFWS-RFO;** proceed to Q5
- ☐ **NO,** review for federal-listed T&E freshwater bivalve species is concluded; proceed to Q5

Section II. State-listed Threatened and Endangered Species (For Proposed Actions 4 and 6)

(6) Is the project a Proposed Action 4 or 6?

If "No," review for state-listed T&E species is concluded. If "Yes," proceed to Question 7.

- ☐ **YES,** proceed to Q7
- ☐ **NO,** the review for state-listed T&E species is concluded

(7) State-listed T&E Aquatic Species

Will the project site result in vegetation removal and/or land clearing/disturbance within 100 feet of a perennial stream in which a state-listed T&E aquatic species is known to exist? [Based on NCNHP Data Explorer element occurrences within a distance of one mile upstream or one mile downstream of the project site in the potentially-impacted stream.]

If "Yes," implement mitigation measures provided by NCWRC: 1) minimum undisturbed, native, forested buffers along perennial streams, intermittent streams, and wetlands; and 2) type of erosion and sediment control measures to be implemented prior to initiating construction activities. If "No," review for endangered species is concluded.

- ☐ **YES, implement mitigation measures;** review for endangered species is concluded
- ☐ **NO,** review for endangered species is concluded

The environmental review record should include one or more of the following to support the endangered species review findings:

- Site-Specific Inspection Checklist and photographs of relevant observations regarding large bird nests.
- List of "current status" federal- and state-listed T&E species element occurrences identified in the NCNHP Data Explorer within one mile (one half mile for state-listed) of the project site for terrestrial species and within one mile upstream/downstream of the project site in any perennial stream potentially-impacted by the proposed action.
- Documentation regarding consultations with USFWS-RFO and/or NCWRC.

NOTES:

EXPLOSIVE AND FLAMMABLE HAZARDS

24 CFR Part 51, Subpart C, Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature

(1) Is the project a Proposed Action 1, 2, 3, 5, or 7 where the number of residential units is not increasing?

If "Yes," then the review is concluded. If "No," provide narrative description as necessary and proceed to Question 2.

- ☐ **YES**, the review is concluded
- ☐ **NO**, proceed to Q2

For Proposed Actions 4 and 6, site-specific review is required.

(2) Is there an above-ground storage tank (AST) within one-mile of the project site? [Based on review of aerial photography, field observations, and database review.]

If "No," then the review is concluded. If yes, provide narrative description as necessary, calculate the Acceptable Separation Distance (ASD) using guidance in HUD's "Urban Development Siting with Respect to Hazardous Commercial/Industrial Facilities" handbook, and proceed to Question 3.

**ASTs are only required to be registered with the State if they meet the definition of an "Oil Terminal Facility," which most do not.*

- ☐ **YES**, calculate the ASD and proceed to proceed to Q3
- ☐ **NO**, the review is concluded

(3) Is the site located at an actual distance from the AST that is greater than the ASD for the flammable or explosive hazard, whichever is greater?

If "Yes," then the actual separation distance is considered adequate, and the review is concluded. If "No," then provide narrative description as necessary and proceed to Question 4.

- ☐ **YES**, the review is concluded
- ☐ **NO**, proceed to Q4

(4) Will the proposed project include the following?

- ☐ Mitigating measure(s) implemented and documentation is attached
- ☐ Applicant's site is relocated to a distance greater than the ASD
- ☐ AST is relocated to a distance greater than the ASD

Please select and provide narrative description as necessary. If "Yes," additional documentation should be attached, as appropriate. If "No," CDBG-DR assistance for applicants is prohibited.

- ☐ **YES**, the review is concluded
- ☐ **NO**, **CDBG-DR assistance is prohibited**

FARMLANDS PROTECTION

7 CFR part 568, Farmland Protection Policy Act

(1) Does the project include any activities, including new construction, acquisition of undeveloped land, or conversion that could potentially convert one land use to another [i.e. Proposed Action 4 or 6]?

If "No," then the review is concluded. If "Yes," provide narrative description as necessary and proceed to Question 2.

☐ **YES, Proposed Action 4 or 6**, proceed to Q2

☐ **NO**, the review is concluded

For Proposed Actions 4 and 6, review the project to determine whether it could irreversibly convert farmland to a nonagricultural use.

(2) Is the project site located on land "committed to urban development?" [Based on urbanized area maps at <http://www.census.gov/geo/maps-data/maps/2010ua.html>]

If "Yes," then the FPPA does not apply, and the review is concluded. If "No," provide narrative description as necessary and proceed to Question 3.

☐ **YES**, the review is concluded

☐ **NO**, proceed to Q3

(3) Does the site include "Important Farmland," including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA? [Based on mapping at http://www.rurdev.usda.gov/IA_env_Class1_farmlands.html]

If "No," the review is concluded. If "Yes," provide narrative description as necessary and complete NRCS Form AD-1006.

☐ **YES**, complete NRCS Form AD-1006 and proceed to Q4

☐ **NO**, the review is concluded

(4) Did NRCS Form AD-1006 result in a Farmland Conversion Impact Rating score (Parts III and IV) of 160 or greater?

If "No," the review is concluded. If "Yes," provide narrative description as necessary and consult with NRCS.

☐ **YES, consult with NRCS**

☐ **NO**, the review is concluded

Note: The completed NRCS Form AD-1006 and subsequent consultation with NRCS, if required, should be documented as part of this site-specific review and attached to this checklist.

FLOOD INSURANCE

42 USC 4001-4128, Flood Disaster Protection Act of 1973; 42 USC 5154a, National Flood Insurance Reform Act of 1994

Site-specific review is not required for Proposed Action 5. FEMA DFIRM mapping is available at <http://fris.nc.gov/fris/>.

(1) Does the project involve Proposed Action 1, 2, 3, 4, 6, or 7?

If "No," then the review is concluded. If "Yes," provide narrative description as necessary and proceed to Question 2.

☐ **YES**, proceed to Q2

☐ **NO**, the review is concluded

(2) Is any portion of the project's structure(s) located within the SFHA?

If "No," then the review is concluded. If "Yes," provide narrative description as necessary and proceed to Question 3.

☐ **YES**, proceed to Q3

☐ **NO**, the review is concluded

(3) Has the property owner previously received disaster assistance conditioned on obtaining and maintaining flood insurance, and failed to obtain and maintain the necessary flood insurance?

If "Yes," then the review is concluded. The property owner is not eligible for CDBG-DR assistance. If "No," provide narrative description as necessary and proceed to Question 5.

☐ **YES**, the review is concluded; **CDBG-DR assistance is prohibited**

☐ **NO**, proceed to Q4

(4) Does the community in which the site is located participate in the National Flood Insurance Program (NFIP)?

If "Yes," proceed to Question 4. If "No," the project site is not eligible for CDBG-DR assistance.

☐ **YES**, proceed to Q5

☐ **NO**, **CDBG-DR assistance is prohibited**

(5) Is there proof of flood insurance for the project site?

If "Yes," the review is concluded. If "No," CDBG-DR assistance for the property owner/project site is prohibited.

☐ **YES**, the review is concluded

☐ **NO**, **CDBG-DR assistance is prohibited**

Attach one of the following to this checklist:

- A FEMA DFIRM showing that the project's structure(s) are not located in the SFHA.
- Documentation supporting the determination that the property owner and/or the project site are not eligible for CDBG-DR assistance.
- A FEMA DFIRM showing that the project's structure(s) are located in the SFHA along with a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium or a copy of the application for flood insurance.

FLOODPLAIN MANAGEMENT

Floodplain Management - Executive Order 11988, particularly section 2(a); 24 CFR Part 55

Site-specific review is required for all Proposed Actions. FEMA DFIRM mapping is available at <http://fris.nc.gov/fris/>.

(1) *Is the project site located outside the Special Flood Hazard Area (SFHA) (Zones A, AE, A1-A30, AH, AO, and AR)?*

If "Yes," then there are no expected impacts to the floodplain; the EO 11988 requirements have been met and the review is concluded. If "No," provide narrative description as necessary and proceed to Question 2.

- ☐ **YES**, the review is concluded
- ☐ **NO**, proceed to Q2

(2) *Is any portion of the project site located in the floodway?*

If "Yes," then the property is not eligible unless the incidental floodplain exception in 24 CFR 55.12(c)(7) applies or the project involves Proposed Action 5, acquisition for buyout. Proceed to Question 3. If "No," proceed to Question 5.

- ☐ **YES**, proceed to Q3
- ☐ **NO**, proceed to Q5

(3) *Is any portion of the single-family home or any areas expected to be impacted by the Proposed Action located in the SFHA?*

If "Yes," then the property is not eligible for CDBG-DR funding unless the project involves Proposed Action 5, acquisition for buyout. Proceed to Question 4. If "No," the incidental floodplain exception applies. There are no impacts to the floodplain, and the review is concluded.

- ☐ **YES, proceed to Q4**
- ☐ **NO**, the property is eligible for CDBG-DR funding; the review is concluded

(4) *Does the project involve an action other than Proposed Action 5?*

If "Yes," then the property is not eligible for CDBG-DR funding and the review is concluded. If "No," then the property is eligible for CDBG-DR funding. Proceed to Question 5.

- ☐ **YES, the property is not eligible for CDBG-DR funding**; the review is concluded
- ☐ **NO**, the property is eligible for CDBG-DR funding; proceed to Q5

(5) *Does the project involve Proposed Action 1, 2, 3, or 7?*

If "Yes," proceed to Question 6. If "No," a site-specific eight-step decision-making process is required and must be included in the environmental review record.

- ☐ **YES**, proceed to Q6
- ☐ **NO**, site-specific eight-step decision-making process is required

(6) *Was the subject property substantially damaged as a result of Hurricane Matthew?*

If "Yes," mitigation measures listed in the Programmatic Eight-Step Compliance Process Document must be implemented including elevation of the home at least 2 feet above the BFE. Homeowner must maintain flood insurance. The review is concluded.

If "No," EO 11988 does not apply. Homeowner must maintain flood insurance. The review is concluded.

- ☐ **YES**, mitigation measures listed in the Programmatic Eight-Step Compliance Process Document must be implemented including elevation of the home at least 2 feet above the BFE; homeowner must maintain flood insurance; the review is concluded
- ☐ **NO**, homeowner must maintain flood insurance; the review is concluded

The environmental review record (ERR) should contain the following as applicable:

- For all Proposed Actions, a FEMA DFIRM (<http://fris.nc.gov/fris/>) showing the property location.
- For Proposed Actions 1, 2, 3, and 7, as applicable, documentation that mitigation measures listed in the Programmatic Eight-step Compliance Process Document were implemented.
- For Proposed Actions 1 and 7, damage assessment and pre-storm fair market value documentation supporting the minor improvement exemption [24 CFR 55.12(b)(2)] determination, if applicable.
- For Proposed Actions 4, 5, and 6, documentation of the eight-step decision-making process and required public notices.
- For homes requiring elevation, a copy of the elevation certificate (to be added to the ERR upon completion of the elevation activity).

HISTORIC PRESERVATION

36 CFR Part 800, Protection of Historic Properties

For all Proposed Actions, site-specific review by a qualified professional is required.

(1) Is a property applying for grant assistance involving a new action [Proposed Actions 1, 2, 3, 4, 5, and 6] or is a property applying for grant assistance to bring already completed work into compliance [Proposed Action 7]?

If "Yes," complete a SHPO Data Transfer Sheet and continue to Question 2. If "No," complete the Excluded from SHPO Review Form and the review is concluded.

- ☐ **YES**, complete SHPO Data Transfer Form proceed to Q2a for archaeological sites or Q3a for architectural resources
- ☐ **NO**, complete the Excluded from SHPO Review Form and the review is concluded

ARCHAEOLOGY

(2a) Did SHPO return completed "SHPO Data Transfer Form" to Responsible Entity with memo of site meeting the qualifying condition of "profound disturbance" (i.e. a past activity or activities have physically altered the site in its entirety to the point where there is no potential for an archaeologically significant property to remain) or the project falling under the "Specific Excluded Activities" (see SHPO Programmatic Agreement, Appendix A, Section 2)?

If "Yes," complete the Excluded from SHPO Review Form; the archaeology portion of the review is complete. If "No," proceed to Question 2b.

- ☐ **YES**, complete the Excluded from SHPO Review Form and the archaeology portion of the review for is concluded
- ☐ **NO**, proceed to Q2b

(2b) Collect all additional information requested by SHPO via the returned "SHPO Data Transfer Form" memo and submit to SHPO for further consideration. Following this additional information, did SHPO determine no likelihood for archaeological resources to be affected?

If "Yes," complete the Excluded from SHPO Review Form; the archaeology portion of the review is complete. If "No," site-specific coordination will continue with SHPO and OSA to determine necessary work to identify, evaluate, and potentially mitigate any identified archaeological resources.

- ☐ **YES**, complete the Excluded from SHPO Review Form and the review is concluded
- ☐ **NO**, site-specific coordination will continue with SHPO and OSA to determine any necessary mitigation work before project can proceed

HISTORIC ARCHITECTURE

(3a) Did SHPO return completed "SHPO Data Transfer Form" to Responsible Entity with memo of a historic or potentially historic property (i.e. a building of any type that is more than 45 years old or that is located within, adjacent to, or within the view-shed of a listed or potentially eligible National Register Historic District)?

If "Yes," continue to Question 3b. If "No," complete the Excluded from SHPO Review Form; the architectural portion of the review is complete.

- ☐ **YES**, proceed to Q3b
- ☐ **NO**, complete the Excluded from SHPO Review Form and the architectural portion of the review is concluded

(3b) Collect all additional information requested by SHPO via the returned "SHPO Data Transfer Form" memo and submit to SHPO for further consideration. Following this additional information, did SHPO determine the project falls under the "Specific Excluded Activities" in Appendix A Section 3 of the SHPO Programmatic Agreement?

If "Yes," complete the Excluded from SHPO Review Form; the architectural portion of the review is concluded. If "No," and the effect is adverse; SHPO will determine if one or more of the Standard Treatment Measures (Appendix C of the Programmatic Agreement) will avoid or mitigate the effect. Consultation will continue between parties until an appropriate resolution is determined.

- ☐ **YES**, complete the Excluded from SHPO Review Form and the architectural portion of the review is concluded
- ☐ **NO**, SHPO determines appropriate Standard Treatment Measure, or consultation continues between parties until appropriate resolution is determined

All completed forms and other documentation of coordination with SHPO should be attached to this checklist.

NOISE ABATEMENT AND CONTROL*24 CFR 51, Subpart B, Noise Abatement and Control**(1) Does the proposed action involve new construction (Proposed Action 4 or 6)?*

If "No," these actions do not involve new construction, and the review is concluded. If "Yes," provide a narrative description as necessary and proceed to Question 2.

- ☐ **YES**, proceed to Q2
- ☐ **NO, Proposed Action 1, 2, 3, 5, or 7**, the review is concluded

For Proposed Actions 4 and 6, site-specific review is required.*(2) Is the site within 1,000 feet of a major highway, 3,000 feet of a railroad, or 15 miles of a military or regulated Federal Aviation Administration (FAA) airfield?*

If "No," then the review is concluded. If "Yes," provide narrative description as necessary, calculate the Day/Night Noise Level (DNL) using guidance in HUD's The Noise Guidebook and the Day/Night Noise Level Calculator, and proceed to Question 3.

- ☐ **YES**, calculate the DNL and proceed to Q3
- ☐ **NO**, the review is concluded

(3) Is the calculated DNL greater than 65 decibels?

If "No," then noise levels are considered "Acceptable" and the review is concluded. If "Yes," provide narrative description as necessary and proceed to Question 4.

- ☐ **YES**, proceed to Q4
- ☐ **NO**, the review is concluded

(4) Is the calculated DNL greater than 65 decibels and less than 75 decibels?

If "Yes," noise levels are considered "Normally Unacceptable" and proceed to Question 5. If "No," noise levels are considered "Unacceptable" and skip to Question 6. Provide narrative description as necessary.

- ☐ **YES, noise attenuation is required**, proceed to Q5
- ☐ **NO**, exceeds 75 decibels, **CDBG-DR assistance is prohibited**

(5) Do noise attenuation measures reduce the calculated DNL as follows:

- From 70-75 decibels to less than 65 decibels
- From 65-70 decibels, a minimum reduction of 5 decibels

If "Yes," then the review is concluded. If "No," CDBG-DR assistance for applicants is prohibited.

- ☐ **YES**, the review is concluded
- ☐ **NO, CDBG-DR assistance is prohibited**

WETLANDS PROTECTION

Executive Order 11990, Protection of Wetlands; 33 USC 403 Rivers and Harbors Appropriation Act of 1899; 15A NCAC 2B Surface Water and Wetland Standards

<p>(1) Does the project include construction on previously-undisturbed land (Proposed Action 4 or 6)? If "No," then the review is concluded. If "Yes," then provide narrative description as necessary and proceed to Question 2.</p>	<p><input type="checkbox"/> YES, Proposed Action 4, 5, or 6, proceed to Q2 <input type="checkbox"/> NO, the review is concluded</p>
<p>For Proposed Actions 4, 5, and 6, site-specific review is required.</p>	
<p>(2) Is the site in a watershed where state riparian buffer rules apply? If "No," then the review is concluded. If "Yes," then provide narrative description as necessary and proceed to Question 2.</p>	<p><input type="checkbox"/> YES, proceed to Q3 <input type="checkbox"/> NO, skip to Q4</p>
<p>(3) Would the project involve removal of vegetation or new construction within 50 feet of a stream? If "No," the review of riparian buffers is concluded and proceed to Question 4. If "Yes," then provide narrative description as necessary and consult with NCDWR; proceed to Question 4.</p>	<p><input type="checkbox"/> YES, consult with NCDWR and proceed to Q4 <input type="checkbox"/> NO, skip to Q4</p>
<p>(4) Are there potential jurisdictional water resources on the site, including wetlands or streams? [Based on field observations and review of available mapping from US Fish and Wildlife Service National Wetland Inventory, National Resource Conservation Service soil survey, and US Geological Survey topographic maps.] If "No," then the review is concluded. If "Yes," then provide narrative description as necessary and proceed to Question 2.</p>	<p><input type="checkbox"/> YES, proceed to Q5 <input type="checkbox"/> NO, the review is concluded</p>
<p>(5) Is the presence of jurisdictional water resources on the site verified by a certified wetland scientist? If "No" (i.e., the features are determined to not be jurisdictional), then the review is concluded. If "Yes," then provide narrative description as necessary and consult with USACE and NCDWR.</p>	<p><input type="checkbox"/> YES, consult with USACE and NCDWR <input type="checkbox"/> NO, the review is concluded</p>
<p>Note: Coordination with USACE and NCDWR and any permits, if required, should be documented as part of this site-specific review and attached to this checklist.</p>	

WILD AND SCENIC RIVERS

(Wild and Scenic Rivers Act [16 U.S.C. 1271 et seq.] as amended, particularly Sections 7[b] and [c], 16 U.S.C. 1278[c] and [c]; North Carolina Natural and Scenic Rivers Act of 1971, G.S. § 143B 135.140 et seq)

River segments included on the National Rivers Inventory (NRI) are mapped at <https://www.nps.gov/ncrc/programs/rtca/nri/index.html>.

(1) Is the project a Proposed Action 7?

If "Yes," review for wild and scenic rivers is concluded. If "No," proceed to Question 2.

☐ **YES**, review for wild and scenic rivers is concluded

☐ **NO**, proceed to Q2

For Proposed Actions 1, 2, 3, 4, 5, and 6, site-specific review is required.

(2) Does the project include any removal of vegetation and/or new land disturbance within 100 feet of the bank of a river?

If "No," the review for wild and scenic rivers is concluded. If "Yes," provide narrative description as necessary and proceed to Question 3.

☐ **YES**, proceed to Q3

☐ **NO**, review for wild and scenic rivers is concluded

(3) Is the subject river segment listed on the NRI?

If "No," the review for wild and scenic rivers is concluded. If "Yes," unnecessary clearing of native riparian vegetation should be avoided and appropriate erosion/sediment control measures must be implemented.

☐ **YES, implement BMPs**

☐ **NO**, the review for wild and scenic rivers is concluded

Note: Attach documentation of BMPs to this checklist.

Appendix E

NC Rebuild Program

Tier 2 Site-Specific Inspection Checklist

Hurricane Matthew CDBG-DR NC Rebuild: Single-Family Homeowner Recovery and Rental Program Tier 2 Site-Specific Inspection Checklist

HUD Grant Number:

APPLICATION ID:	NAME OF INSPECTOR :		
APPLICANT'S NAME:			
NAME OF OWNER REPRESENTATIVE PRESENT DURING VISIT:			
PROPERTY ADDRESS :			
DATE OF FIELD INSPECTION:		WEATHER CONDITIONS:	
OBSERVATIONS REGARDING SITE FEATURES POTENTIALLY IMPACTED BY THE PROPOSED ACTION			
Is it likely that trees would have to be removed during implementation of the proposed action?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are any of the trees to be removed classified as super dominant (those much taller than the surrounding trees) cypress or pine trees? <i>If yes, observe super dominant canopy trees for large bird nests.</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
Were any large bird nests observed in the super dominant canopy trees likely to be removed during implementation of the proposed action? <i>If yes, take a photograph of any large bird nests observed.</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
Are any of the trees to be removed classified as 10-inch DBH (diameter at breast height [i.e., 4.5 feet]) pine trees? <i>If yes, survey the subject trees and similar trees within 200 feet of the subject trees for Red Cockaded Woodpecker (RCW) cavities.</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
Were any RCW cavities observed in the 10-inch DBH pine trees likely to be removed or in similar trees within 200 feet from the subject trees? <i>If yes, take a photograph of any RCW cavities observed.</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
Are there perennial streams, intermittent streams, wetlands, lakes, ponds, or rivers on the subject property or adjacent properties? <i>If yes, note the type of water body and its location on a map relative to the structures on the subject property.</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
Is it likely that vegetation removal or land disturbance will be required within 100 feet of the observed water body during implementation of the proposed action? <i>If yes, take a photograph showing existing vegetation along the banks.</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
ENVIRONMENTAL QUESTIONS			
1	Are there any surface water features on or adjacent to property including pits, ponds, or lagoons? <i>If yes, attach photos.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	

2	<p>Are there any electrical transformers on the property? Is a non-PCB sticker present?</p> <p><i>If yes, note location of any transformer and any sign of a release (i.e., staining, stressed vegetation, etc.). Attach photos.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
3	<p>Are there signs of any USTs present on site?</p> <p><i>Look for stickup and signs associated with a UST (i.e., fill or vent ports, cuts in asphalt, ground depressions, piping on dwelling walls). If yes, note contents and attach photos.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
4	<p>Are there any ASTs on the site or immediately adjacent visible sites?</p> <p><i>If yes, measure length and width of tank, note contents, and attach photos. Are there any signs of a release (i.e., staining, stressed vegetation, etc.)?</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
5	<p>Are there any water supply wells or monitoring wells on site?</p> <p><i>If yes, indicate their location and type, and attach photos.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
6	<p>Is there evidence of stressed vegetation, soil/pavement staining, pools of liquid, noxious odors, corrosion, or petroleum sheen?</p> <p><i>If yes, describe the issue and attach photos.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
7	<p>Are there drums or other containers present?</p> <p><i>Describe their size, labeling, condition, number, and whether they are empty or not.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
8	<p>Are there areas of dumped debris on the site?</p> <p><i>If yes, note location and general makeup. Note any staining or chemical odor. Attach photos.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
9	<p>Is there any permanent standing water, such as a stream, pond, or wetlands, located on the site?</p> <p><i>If yes, note location on site map and attach photos. Do not include run-off or ponding from recent weather events.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
10	<p>Are there other unusual site conditions?</p> <p><i>Explain in attached supporting material and include photos.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
11	<p>Note name and type of adjacent properties in all directions. Also, note if a gas station, site with USTs or ASTs, commercial facility, or industrial facility is located in immediate vicinity.</p> <p><i>Identify adjacent property name/type on a map.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	
12	<p>Can you see other environmental concerns on adjacent properties?</p> <p><i>Explain and include photos.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input type="checkbox"/> N/A	

Draw a property map to show location of observations and attach photographs of the following, as applicable:

- Full view of each façade of each existing building on the subject property (front, rear, left, and right).
- Trees that may need to be removed during implementation of the proposed action (if any).
- Large bird nests (if present) in super dominant canopy cypress or pine trees that may need to be removed.
- Red Cockaded Woodpecker cavities (if present) in 10-inch DBH (diameter at breast height [i.e., 4.5 feet]) pine tree that may need to be removed and in similar trees within 200 feet of the subject tree.
- Perennial streams, intermittent streams, wetlands, lakes, or rivers on the subject property and adjacent properties showing existing vegetation that may have to be removed during implementation of the proposed action.

Identify name and/or type of adjacent properties in all directions on the map.

Appendix F

Combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

July 5, 2018

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the State of North Carolina.

REQUEST FOR RELEASE OF FUNDS

On or about July 21, 2018, or 16 days after the publishing of this notice, whichever is later, the North Carolina Department of Commerce (NCDOC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), to undertake a project known as NC Rebuild: Single-Family Homeowner Recovery and Rental Programs for the purpose of providing assistance for single-family homeowners and owners of single-family rental properties in Wayne County with unmet needs as a result of damage to their properties due to Hurricane Matthew in October 2016. The State of North Carolina has directed approximately \$15,440,000 from its total allocation of CDBG-DR funds to Wayne County for Hurricane Matthew recovery efforts.

FINDING OF NO SIGNIFICANT IMPACT

The NCDOC has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the North Carolina Division of Emergency Management's (NCEM, administering this grant on behalf of the NCDOC) office located at 4105 Reedy Creek Road, Raleigh, NC 27607 and may be examined or copied weekdays from 9:00 AM to 5:00 PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the NCEM on behalf of the NCDOC. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. All comments received by July 20, 2018, will be considered by the NCDOC prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The NCDOC certifies to HUD that Ms. Iris Payne in her capacity as Certifying Official consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the

certification satisfies its responsibilities under NEPA and related laws and authorities and allows the State of North Carolina to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NCDOC's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NCDOC; (b) the NCDOC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Tenille Smith Parker, Disaster Recovery and special Issues Division, Office of Block Grant Assistance, HUD, 451 7th Street SW, Room 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

NORTH CAROLINA
WAYNE COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Kathryn T. Tooley

who being first duly sworn, deposes and says: that he (she) is

Legal Clerk

(Publisher, or other officer or employee authorized to make affidavit) of WAYNE PRINTING COMPANY, INC., engaged in the publication of a newspaper known as GOLDSBORO NEWS-ARGUS, published, issued, and entered as second class mail in the city of Goldsboro in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in GOLDSBORO NEWS-ARGUS on the following dates:

July 5, 2018

Legal #511

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each, and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 5th day of July, 20 18

Kathryn T. Tooley
(Signature of person making affidavit)

Sworn to and subscribed before me, this 5th day of

July, 20 18

Sevone J. Bayette
Notary Public

My Commission expires: 2/17/2019

**CLIPPING OF LEGAL
ADVERTISEMENT
ATTACHED HERE**

**NOTICE OF FINDING OF NO
SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO
REQUEST RELEASE OF
FUNDS**

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the State of North Carolina. REQUEST FOR RELEASE OF FUNDS

On or about July 21, 2018, or 18 days after the publishing of this notice, whichever is later, the North Carolina Department of Commerce (NCDCC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), to undertake a project known as NC Rebuild: Single-Family Homeowner Recovery and Rental Programs for the purpose of providing assistance for single-family homeowners and owners of single-family rental properties in Wayne County with unmet needs as a result of damage to their properties due to Hurricane Matthew in October 2016. The State of North Carolina has directed approximately \$15,440,000 from its total allocation of CDBG-DR funds to Wayne County for Hurricane Matthew recovery efforts.

FINDING OF NO SIGNIFICANT IMPACT

The NCDCC has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the North Carolina Division of Emergency Management's (NCEM), administering this grant on behalf of the NCDCC office located at 4105 Reedy Creek Road, Raleigh, NC 27607 and may be examined or copied weekdays from 9:00 AM to 5:00 PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the NCEM on behalf of the NCDCC. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. All comments received by July 20, 2018, will be considered by the NCDCC prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The NCDCC certifies to HUD that Ms. Iris Payne in her capacity as Certifying Official consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the State of North Carolina to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NCDCC's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NCDCC; (b) the NCDCC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Terille Smith Parker, Disaster Recovery and special issues Division, Office of Block Grant Assistance, HUD, 451 7th Street SW, Room 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Legal #511
July 5, 2018

NOTIFICACIÓN DE RESULTADOS SIN IMPACTO SIGNIFICATIVO Y NOTIFICACIÓN DE INTENCIÓN PARA SOLICITAR LA LIBERACIÓN DE FONDOS

Estas notificaciones deberán cumplir con dos requisitos de procedimiento individuales, pero relacionados, para las actividades que realizará el Estado de Carolina del Norte.

SOLICITUD DE LIBERACIÓN DE FONDOS

Aproximadamente el **20 de julio de 2018** o 16 días después de la publicación de este aviso, el que sea posterior, el Departamento de Comercio de Carolina del Norte (NCDOC por sus siglas en inglés) presentará una solicitud al Departamento de Vivienda y Desarrollo Urbano (HUD por sus siglas en inglés) de los EE. UU. para la liberación de los Fondos para la Recuperación ante Desastres de la Subvención en Bloque para el Desarrollo de la Comunidad (CDBG-DR por sus siglas en inglés) bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383), para emprender un proyecto conocido como NC Reconstrucción: Programas de Alquiler y Recuperación de Propietarios de Vivienda Unifamiliar con el propósito de proporcionar asistencia para propietarios de viviendas unifamiliares y propietarios de propiedades de alquiler unifamiliares en el Condado de **Edgecombe** con necesidades no satisfechas como resultado del daño a sus propiedades debido al Huracán Matthew en octubre de 2016. El Estado de Carolina del Norte ha destinado aproximadamente **\$ 17,560,000** de su asignación total de fondos de CDBG-DR al condado de **Edgecombe** para los esfuerzos de recuperación del Huracán Matthew.

RESULTADOS SIN IMPACTO SIGNIFICATIVO

El NCDOC ha determinado que el proyecto no tendrá un impacto significativo en el entorno humano. Por lo tanto, no se requiere una Declaración de Impacto Ambiental bajo la Ley de Política Ambiental Nacional de 1969 (NEPA). La información adicional del proyecto está contenida en el Registro de Revisión Ambiental (ERR) archivado en la Oficina de Administración de Emergencias de Carolina del Norte (NCEM, que administra esta concesión en nombre del NCDOC), oficina ubicada en 4105 Reedy Creek Road, Raleigh, NC 27607 y puede ser examinado o copiado de lunes a viernes de 9:00 a.m. a 5:00 p.m.

COMENTARIOS PÚBLICOS

Cualquier persona, grupo o agencia puede enviar comentarios por escrito sobre el ERR al NCEM en nombre del NCDOC. NCEM aceptará comentarios por escrito durante el horario de 9:00 AM a 5:00 PM enviados a: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternativamente, los comentarios pueden enviarse por correo electrónico a CDBGDR. Environment@ncdps.gov con “Attention: Disaster Recovery Comments” en la línea del asunto. Todos los comentarios recibidos hasta el **19 de julio de 2018** serán considerados por el NCDOC antes de autorizar la presentación de una solicitud de liberación de fondos. Los comentarios deben especificar a qué Notificación se están dirigiendo.

CERTIFICACIÓN AMBIENTAL

El NCDOC certifica al HUD que la Sra. Iris Payne en su calidad de Oficial Certificador consiente en aceptar la jurisdicción de los Tribunales Federales si se inicia una acción para hacer cumplir las responsabilidades en relación con el proceso de revisión ambiental y que estas responsabilidades se hayan cumplido. La aprobación del HUD de la certificación cumple con sus responsabilidades bajo la NEPA y las leyes y autoridades relacionadas y le permite al Estado de Carolina del Norte usar los fondos del programa.

OBJECIONES PARA LA LIBERACIÓN DE FONDOS

El HUD aceptará objeciones a su liberación de fondos y la certificación del NCDOC por un período de quince días después de la fecha de presentación anticipada o la recepción real de la solicitud (la que sea posterior) solo si están en una de las siguientes bases: (a) la certificación no fue ejecutada por el Oficial Certificador del NCDOC; (b) el NCDOC ha omitido un paso o no ha podido tomar una decisión o encontrar lo requerido por las reglamentaciones de HUD en 24 CFR parte 58; (c) el destinatario de la subvención u otros participantes en el proceso de desarrollo han comprometido fondos, incurrido en costos o emprendido actividades no autorizadas por 24 CFR Parte 58 antes de la aprobación de una liberación de fondos por parte de HUD; o (d) otra agencia federal que actúa de conformidad con 40 CFR Parte 1504 ha presentado una declaración escrita de que el proyecto no es satisfactorio desde el punto de vista de la calidad ambiental. Las objeciones deben prepararse y presentarse de acuerdo con los procedimientos requeridos (24 CFR Parte 58, Sec. 58.76) y deben dirigirse a Tenille Smith Parker, Disaster Recovery y Special Issues Division, Office of Block Grant Assistance, HUD, 451 7th Street SW , Room 7272, Washington, DC 20410. Los posibles objetores deben comunicarse con HUD para verificar el último día real del período de objeción.

NOTIFICACIÓN DE RESULTADOS SIN IMPACTO SIGNIFICATIVO Y NOTIFICACIÓN DE INTENCIÓN PARA SOLICITAR LA LIBERACIÓN DE FONDOS

Estas notificaciones deberán cumplir con dos requisitos de procedimiento individuales, pero relacionados, para las actividades que realizará el Estado de Carolina del Norte.

SOLICITUD DE LIBERACIÓN DE FONDOS

Aproximadamente el **20 de julio de 2018** o 16 días después de la publicación de este aviso, el que sea posterior, el Departamento de Comercio de Carolina del Norte (NCDOC por sus siglas en inglés) presentará una solicitud al Departamento de Vivienda y Desarrollo Urbano (HUD por sus siglas en inglés) de los EE. UU. para la liberación de los Fondos para la Recuperación ante Desastres de la Subvención en Bloque para el Desarrollo de la Comunidad (CDBG-DR por sus siglas en inglés) bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (PL 93-383), para emprender un proyecto conocido como NC Reconstrucción: Programas de Alquiler y Recuperación de Propietarios de Vivienda Unifamiliar con el propósito de proporcionar asistencia para propietarios de viviendas unifamiliares y propietarios de propiedades de alquiler unifamiliares en el Condado de **Wayne** con necesidades no satisfechas como resultado del daño a sus propiedades debido al Huracán Matthew en octubre de 2016. El Estado de Carolina del Norte ha destinado aproximadamente **\$ 15,440,000** de su asignación total de fondos de CDBG-DR al condado de **Wayne** para los esfuerzos de recuperación del Huracán Matthew.

RESULTADOS SIN IMPACTO SIGNIFICATIVO

El NCDOC ha determinado que el proyecto no tendrá un impacto significativo en el entorno humano. Por lo tanto, no se requiere una Declaración de Impacto Ambiental bajo la Ley de Política Ambiental Nacional de 1969 (NEPA). La información adicional del proyecto está contenida en el Registro de Revisión Ambiental (ERR) archivado en la Oficina de Administración de Emergencias de Carolina del Norte (NCEM, que administra esta concesión en nombre del NCDOC), oficina ubicada en 4105 Reedy Creek Road, Raleigh, NC 27607 y puede ser examinado o copiado de lunes a viernes de 9:00 a.m. a 5:00 p.m.

COMENTARIOS PÚBLICOS

Cualquier persona, grupo o agencia puede enviar comentarios por escrito sobre el ERR al NCEM en nombre del NCDOC. NCEM aceptará comentarios por escrito durante el horario de 9:00 AM a 5:00 PM enviados a: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternativamente, los comentarios pueden enviarse por correo electrónico a CDBGDR. Environment@ncdps.gov con “Attention: Disaster Recovery Comments” en la línea del asunto. Todos los comentarios recibidos hasta el **19 de julio de 2018** serán considerados por el NCDOC antes de autorizar la presentación de una solicitud de liberación de fondos. Los comentarios deben especificar a qué Notificación se están dirigiendo.

CERTIFICACIÓN AMBIENTAL

El NCDOC certifica al HUD que la Sra. Iris Payne en su calidad de Oficial Certificador consiente en aceptar la jurisdicción de los Tribunales Federales si se inicia una acción para hacer cumplir las responsabilidades en relación con el proceso de revisión ambiental y que estas responsabilidades se hayan cumplido. La aprobación del HUD de la certificación cumple con sus responsabilidades bajo la NEPA y las leyes y autoridades relacionadas y le permite al Estado de Carolina del Norte usar los fondos del programa.

OBJECIONES PARA LA LIBERACIÓN DE FONDOS

El HUD aceptará objeciones a su liberación de fondos y la certificación del NCDOC por un período de quince días después de la fecha de presentación anticipada o la recepción real de la solicitud (la que sea posterior) solo si están en una de las siguientes bases: (a) la certificación no fue ejecutada por el Oficial Certificador del NCDOC; (b) el NCDOC ha omitido un paso o no ha podido tomar una decisión o encontrar lo requerido por las reglamentaciones de HUD en 24 CFR parte 58; (c) el destinatario de la subvención u otros participantes en el proceso de desarrollo han comprometido fondos, incurrido en costos o emprendido actividades no autorizadas por 24 CFR Parte 58 antes de la aprobación de una liberación de fondos por parte de HUD; o (d) otra agencia federal que actúa de conformidad con 40 CFR Parte 1504 ha presentado una declaración escrita de que el proyecto no es satisfactorio desde el punto de vista de la calidad ambiental. Las objeciones deben prepararse y presentarse de acuerdo con los procedimientos requeridos (24 CFR Parte 58, Sec. 58.76) y deben dirigirse a Tenille Smith Parker, Disaster Recovery y Special Issues Division, Office of Block Grant Assistance, HUD, 451 7th Street SW , Room 7272, Washington, DC 20410. Los posibles objetores deben comunicarse con HUD para verificar el último día real del período de objeción.

From: Nora Zirps
To: Militscher.Chris@epa.gov; [Wicker, Henry M Jr CIV USARMY CESAW \(US\)](mailto:Wicker, Henry M Jr CIV USARMY CESAW (US)); [Duncan, Jeffrey \(jeff_duncan@nps.gov\)](mailto:Duncan, Jeffrey (jeff_duncan@nps.gov)); [Ellis, John \(john_ellis@fws.gov\)](mailto:Ellis, John (john_ellis@fws.gov))
Cc: Daniel.Herrera@ncdps.gov; [Prakash, Jagadish](#); [Chris Ward](#); [Shumate, Christy](#); [Wilmot, Kory](#)
Subject: Hurricane Matthew CDBG-DR Single-Family Housing Programs - FONSI/NOIRROF Notices for Cumberland, Edgecombe, and Wayne Counties
Date: Thursday, July 05, 2018 9:38:04 AM
Attachments: [FONSI AND NOIRROF Public Notice - Cumberland County.pdf](#)
[FONSI AND NOIRROF Public Notice - Edgecombe County.pdf](#)
[FONSI AND NOIRROF Public Notice - Wayne County.pdf](#)

To Interested Federal Agencies:

Attached please find combined public notices for the Hurricane Matthew CDBG-DR Single-Family Housing Programs in Cumberland, Edgecombe, and Wayne Counties that include the Notice of Finding of No Significant Impact and the Notice of Intent to Request Release of Funds. We appreciate your prior communications in response to agency consultation letters. Your input has been incorporated into the Tier 2 site-specific review strategies. If you have any additional comments, please submit them as indicated in the public notices. Thank you!

Nora A. Zirps, PE, RSM
ESP Associates, Inc.

7011 Albert Pick Road, Suite E
Greensboro, NC 27409
www.espassociates.com

nzirps@espassociates.com

336.232.5213 | Direct
336.334.7724 | Office
336.420.6979 | Cell

The information contained in this e-mail message is confidential and may be legally privileged and is intended only for the use of the individual or entity named above. If you are not an intended recipient or if you have received this message in error, you are hereby notified that any dissemination, distribution or copy of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return e-mail or telephone if the sender's phone number is listed above, then promptly and permanently delete this message. Please note that any attached electronic files are furnished for your information only. This should be considered as an interim work product and is subject to continued modification and revision. This is not a construction document. Construction documents with the appropriate seal, signed and dated, can be provided if necessary. Any use of this electronic file including modification, insertion, or appendage to other documents is at the user's risk. Any reproduction or distribution of this information requires written authorization from ESP Associates, Inc.

From: [Shumate, Christy](#)
To: state.clearinghouse@doa.nc.gov
Cc: [Prakash, Jagadish](#); [Nora Zirps](#); [Wilmot, Kory](#)
Subject: Public Notices - FONSI and NOIRROF
Date: Thursday, July 05, 2018 9:20:00 AM
Attachments: [FONSI AND NOIRROF Public Notice - Cumberland County.pdf](#)
[FONSI AND NOIRROF Public Notice - Edgecombe County.pdf](#)
[FONSI AND NOIRROF Public Notice - Wayne County.pdf](#)

Good morning,

Please post the attached three (3) public notices on the public notice section of your website on behalf of NCDOC and NCEM for the NC Rebuild: Single-Family Homeowner Recovery and Rental Programs. Please note, the deadline for comments is **July 20, 2018**.

Please let me know if you have any questions or need additional information.

Thanks so much for your assistance!

Christy

Christy Shumate, AICP

Project Manager, Planning Department, North Carolina

D +1-919-760-4030

christy.shumate@aecom.com

AECOM

701 Corporate Center Drive

Suite 475

Raleigh, North Carolina 27607

T +1-919-854-6200

aecom.com

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the State of North Carolina.

REQUEST FOR RELEASE OF FUNDS

On or about July 21, 2018, or 16 days after the publishing of this notice, whichever is later, the North Carolina Department of Commerce (NCDOC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), to undertake a project known as NC Rebuild: Single-Family Homeowner Recovery and Rental Programs for the purpose of providing assistance for single-family homeowners and owners of single-family rental properties in Cumberland County with unmet needs as a result of damage to their properties due to Hurricane Matthew in October 2016. The State of North Carolina has directed approximately \$21,260,000 from its total allocation of CDBG-DR funds to Cumberland County for Hurricane Matthew recovery efforts.

FINDING OF NO SIGNIFICANT IMPACT

The NCDOC has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the North Carolina Division of Emergency Management's (NCEM, administering this grant on behalf of the NCDOC) office located at 4105 Reedy Creek Road, Raleigh, NC 27607 and may be examined or copied weekdays from 9:00 AM to 5:00 PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the NCEM on behalf of the NCDOC. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. All comments received by July 20, 2018, will be considered by the NCDOC prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The NCDOC certifies to HUD that Ms. Iris Payne in her capacity as Certifying Official consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the State of North Carolina to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NCDOC's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NCDOC; (b) the NCDOC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Tenille Smith Parker, Disaster Recovery and special Issues Division, Office of Block Grant Assistance, HUD, 451 7th Street SW, Room 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the State of North Carolina.

REQUEST FOR RELEASE OF FUNDS

On or about July 20, 2018, or 16 days after the publishing of this notice, whichever is later, the North Carolina Department of Commerce (NCDOC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), to undertake a project known as NC Rebuild: Single-Family Homeowner Recovery and Rental Programs for the purpose of providing assistance for single-family homeowners and owners of single-family rental properties in Edgecombe County with unmet needs as a result of damage to their properties due to Hurricane Matthew in October 2016. The State of North Carolina has directed approximately \$17,560,000 from its total allocation of CDBG-DR funds to Edgecombe County for Hurricane Matthew recovery efforts.

FINDING OF NO SIGNIFICANT IMPACT

The NCDOC has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the North Carolina Division of Emergency Management's (NCEM, administering this grant on behalf of the NCDOC) office located at 4105 Reedy Creek Road, Raleigh, NC 27607 and may be examined or copied weekdays from 9:00 AM to 5:00 PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the NCEM on behalf of the NCDOC. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. All comments received by July 19, 2018, will be considered by the NCDOC prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The NCDOC certifies to HUD that Ms. Iris Payne in her capacity as Certifying Official consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the State of North Carolina to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NCDOC's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NCDOC; (b) the NCDOC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Tenille Smith Parker, Disaster Recovery and special Issues Division, Office of Block Grant Assistance, HUD, 451 7th Street SW, Room 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the State of North Carolina.

REQUEST FOR RELEASE OF FUNDS

On or about July 21, 2018, or 16 days after the publishing of this notice, whichever is later, the North Carolina Department of Commerce (NCDOC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), to undertake a project known as NC Rebuild: Single-Family Homeowner Recovery and Rental Programs for the purpose of providing assistance for single-family homeowners and owners of single-family rental properties in Wayne County with unmet needs as a result of damage to their properties due to Hurricane Matthew in October 2016. The State of North Carolina has directed approximately \$15,440,000 from its total allocation of CDBG-DR funds to Wayne County for Hurricane Matthew recovery efforts.

FINDING OF NO SIGNIFICANT IMPACT

The NCDOC has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the North Carolina Division of Emergency Management's (NCEM, administering this grant on behalf of the NCDOC) office located at 4105 Reedy Creek Road, Raleigh, NC 27607 and may be examined or copied weekdays from 9:00 AM to 5:00 PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the NCEM on behalf of the NCDOC. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: Michael Gagner, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with "Attention: Disaster Recovery Comments" in the subject line. All comments received by July 20, 2018, will be considered by the NCDOC prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The NCDOC certifies to HUD that Ms. Iris Payne in her capacity as Certifying Official consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the State of North Carolina to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NCDOC's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NCDOC; (b) the NCDOC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Tenille Smith Parker, Disaster Recovery and special Issues Division, Office of Block Grant Assistance, HUD, 451 7th Street SW, Room 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Appendix G

Request for Release of Funds

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 03/31/2020)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) NC Rebuild: Single-Family Homeowner Recovery and Rental Program	2. HUD/State Identification Number B-16-DL-37-0001	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) 14.228	5. Name and address of responsible entity North Carolina Department of Commerce 301 N Wilmington Street Raleigh, NC 27601	
6. For information about this request, contact (name & phone number) Ms. Iris Payne, 919-814-4663	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request Tenille Smith Parker, Disaster Recovery and Special Issues Division Office of Block Grant Assistance, HUD 451 7th Street SW, Room 7272 Washington, D.C. 20410		
The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following		
9. Program Activity(ies)/Project Name(s) - Repair/rehabilitation, elevation, and/or reconstruction/replacement in substantially the same footprint - Relocation on previously-undisturbed land - Acquisition for buyout or redevelopment as single-family housing - Reimbursement to homeowners for previously-completed eligible repair activities	10. Location (Street address, city, county, State) Single-family houses (1-4 units, including mobile homes) located on residential properties across Wayne County, North Carolina	

11. Program Activity/Project Description

The NC Rebuild: Single-Family Homeowner Recovery and Rental Program ("Program") activities to be funded by CDBG-DR in Wayne County are designed to address unmet housing recovery needs of people affected by Hurricane Matthew to help them achieve permanent, sustainable housing solutions that allow them to remain in the county and, if possible, return to their neighborhoods. Assistance is targeted to owner-occupied single-family houses and rental properties of 1-4 units. To support the Program in Wayne County, the state has allocated CDBG-DR funding in the amount of \$15,440,000 (inclusive of planning & administrative fees), of which 85% will be used to address unmet single-family housing recovery needs of people affected by Hurricane Matthew. The best available data suggest that 523 homes in Wayne County sustained damage due to Hurricane Matthew and may seek funding through the Program.

Program assistance will be provided to qualified applicants in the form of cap-restricted grants to complete construction projects following environmental clearance. To achieve environmental clearance, the proposed projects must comply with 24 CFR 58 and HUD Environmental Standards.

The state will prioritize Program assistance for people with the most severe damage and the highest level of financial need. Funding for each applicant will be based on damage to their original dwelling plus the funds necessary to meet applicable housing quality standards; local, state and/or federal building codes; and other mitigation measures that reduce the risk of damage to dwellings from future storms.

Affected property owners will be provided grants to repair/rehabilitate, elevate, and/or reconstruct their homes within the existing footprint of the damaged structure; relocate their homes; have their homes acquired subject to certain conditions and approvals from the state; or reimburse them for eligible repairs completed within one-year of the storm event.

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☒ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

CDBG Program Director

Date signed

X

Address of Certifying Officer

Ms. Iris Payne, North Carolina Department of Commerce, 301 N Wilmington Street, Raleigh, NC 27601

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Appendix H

Authority to Use Grant Funds